

# **City of Carmel**

## **Common Council**

**February 6, 2006  
6:00 P.M.**

# COMMON COUNCIL MEETING AGENDA

MONDAY, FEBRUARY 6, 2006 – 6:00 P.M.  
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

## MEETING CALLED TO ORDER

1. INVOCATION
2. PLEDGE OF ALLEGIANCE
3. RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS
4. APPROVAL OF MINUTES
  - a. January 23, 2006 Special Meeting
5. RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL
6. COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS
7. ACTION ON MAYORAL VETOES
8. CLAIMS
  - Payroll
  - General Claims
  - Retirement
9. COMMITTEE REPORTS
  - a. Finance, Administration and Rules Committee
  - b. Land Use, Annexation and Economic Development Committee
  - c. Parks, Recreation and Arts Committee
  - d. Utilities, Transportation and Public Safety Committee

10. **OLD BUSINESS**

- a. **Second Reading of Ordinance D-1790-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing Speed Limits and Stop Intersections, and Designating Through Highways, Relative to the Monon Greenway; Sponsor: Councilor Carter.
- b. **Second Reading of Ordinance D-1791-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 6, Article 4, Section 6-54 of the Carmel City Code (Posting and Placement of Signs in Public Right-Of-Way Prohibited); Sponsor(s): Councilor(s) Carter and Mayo.
- c. **Second Reading of Ordinance D-1794-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Regarding City of Carmel Stormwater Management; Sponsor: Councilor Glaser.

11. **PUBLIC HEARINGS**

- a. **First Reading of Ordinance Z-486-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Updating a Variety of Provisions of the Carmel Zoning and Subdivision Control Ordinances (chapters 3, 6, 9, 23F, 25 and 25-07); Sponsor: Councilor Rattermann.

12. **NEW BUSINESS**

- a. **Resolution CC-02-06-06-01**: A Resolution of the Common Council of the City of Carmel, Indiana, Approving the Enlargement of Certain Economic Development Areas in the City (The 126th Street EDA, Old Town EDA, Illinois Street EDA and Merchants Pointe EDA); Sponsor(s): Councilor(s) Carter and Sharp.
- b. **Resolution CC-02-06-06-02 (Formerly CC-01-23-06-02)**; A Resolution of the Common Council of the City of Carmel, Indiana, Amending the Contract with the Carmel Professional Firefighters Association (Local #4444); Sponsor: Councilor Mayo.

13. **OTHER BUSINESS**

- a. **Second Reading of Ordinance D-1782-05**; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05
- b. **Second Reading of Ordinance Z-485-05**; An Ordinance of the Common Council of the City of Carmel, Amending the Parking Requirements in the Carmel Zoning Ordinance (Chapter 27: Additional Parking & Loading Regulations); Sponsor: Councilor Rattermann. PLAN COMMISSION

14. **ANNOUNCEMENTS**
15. **EXECUTION OF DOCUMENTS**
16. **ADJOURNMENT**

# COMMON COUNCIL SPECIAL MEETING MINUTES

MONDAY, JANUARY 23, 2006 – 6:00 P.M.  
COUNCIL CHAMBERS/CITY HALL/ONE CIVIC SQUARE

## **MEMBERS PRESENT:**

Mayor James Brainard, Council President Rick Sharp, Council Members, Kevin Kirby, Brian Mayo, Joe Griffiths, Fred Glaser, Ron Carter, Mark Rattermann, Clerk-Treasurer Diana L. Cordray and Deputy Clerk-Treasurer Lois Fine.

Reverend Greg McGarvey, Carmel United Methodist Church, pronounced the Invocation.

## **RECOGNITION OF CITY EMPLOYEES AND OUTSTANDING CITIZENS:**

There were none.

## **APPROVAL OF MINUTES:**

Councilor Glaser made a motion to approve the Minutes of the January 9, 2006 Special Meeting. Councilor Griffiths seconded. Council President Sharp called for the question. The Minutes were approved 7-0.

## **RECOGNITION OF PERSONS WHO WISH TO ADDRESS THE COUNCIL:**

There were none.

## **COUNCIL, MAYORAL AND CLERK-TREASURER COMMENTS/OBSERVATIONS:**

There were none.

## **ACTION ON MAYORAL VETOES:**

There were none.

## **CLAIMS:**

Councilor Mayo made a motion to approve the claims in the amount of \$2,686,680.87. Councilor Griffiths seconded. Council President Sharp called for the question. Claims were approved 7-0.

## **COMMITTEE REPORTS:**

Councilor Rattermann reported that the Finance, Administration and Rules Committee met this evening and discussed Ordinance D-1789-05 and Ordinance D-1792-06. Councilor Rattermann announced he would give his report when the items come up on the agenda. The next meeting will be on Monday, February 20, 2006 at 5:00 p.m.

Councilor Glaser reported that the Land Use, Annexation and Economic Development Committee met on Thursday, January 12, 2006 at 5:30 p.m. and discussed Ordinance Z-485-05. Amendments were discussed and the ordinance was sent to the full council with a favorable recommendation. Councilor Rattermann will discuss this item when it comes up on the agenda. The committee requested the Department of Community Services to review the parking requirements. Adrienne Keeling, Department of Community Services, presented a draft of the Design Guidelines to the committee.

Councilor Carter reported that the Parks, Recreation and Arts Committee met on Tuesday, January 10, 2006. The next meeting will be on Tuesday, February 14, 2006 at 3:00 p.m. The committee requested the Urban Forrester to report on the tree stock in the community at the next meeting.

Councilor Kirby reported that the Utilities, Transportation and Public Safety Committee had not met. The next meeting will be held on Monday, February 6, 2006 at 5:00 p.m. Councilor Kirby discussed the Governor's Major Moves Program, which includes additional MVH Funding that will give the City of Carmel \$234,074.

## **OLD BUSINESS**

Council President Sharp announced the **Second Reading of Ordinance D-1789-05**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 2, Article 3, Division II, Section 2-56 of the Carmel City Code (City Employee Deferred Compensation Match). Councilor Glaser reported to the Council that this ordinance was sent to the full Council from the Finance Committee with a favorable recommendation. Councilor Rattermann made a motion to approve Ordinance D-1789-05. Councilor Mayo seconded. There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1789-05** was adopted 7-0.

Council President Sharp announced the **Second Reading of Ordinance D-1792-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Authorizing the City to Issue Its Taxable Economic Development Revenue Bonds, Series 2006 (Parkwood West Project), and Approving Other Actions in Respect Thereto (\$6,000,000). Councilor Glaser recused himself due to a conflict on this project. Councilor Rattermann informed the Council that amendments were discussed and the Finance committee referred this ordinance to the full Council with a 3-0 favorable recommendation. There was brief Council discussion. Councilor Carter informed Council that Tom Pittman of Baker & Daniels, Loren Mathes of Umbaugh and Blair Carmosino, Duke Realty, were in attendance to answer any questions. Councilor Rattermann referred to Blair Carmosino, Duke Construction, 600 East 96<sup>th</sup> Street, Suite 100, Indianapolis, Indiana 46240, to identify the engineer who will be responsible for the road improvements for this project. Mr. Carmosino stated that Duke is working with the City engineers. Councilor Kirby made a motion to amend Ordinance D-1792-06 to Ordinance D-1792-06, As Amended, VERSION A.

Councilor Griffiths seconded. Council President Sharp called for the question. The motion was approved 6-0 (Councilor Glaser was recused). There was no Council discussion. Councilor Kirby made a motion to approve Ordinance D-1792-06, As Amended, VERSION A. Councilor Griffiths seconded. Council President Sharp called for the question. **Ordinance D-1792-06, As Amended, VERSION A**, was adopted 6-0 (Councilor Glaser was recused).

Council President Sharp announced the **Second Reading of Ordinance Z-485-05**; An Ordinance of the Common Council of the City of Carmel, Amending the Parking Requirements in the Carmel Zoning Ordinance (Chapter 27: Additional Parking & Loading Regulations).

Councilor Glaser returned to the Council chambers.

There was brief Council discussion. Councilor Kirby made a motion to amend Ordinance Z-485-05 to Ordinance Z-485-05, As Amended, VERSION A 01/17/06. Councilor Griffiths seconded. Council President Sharp called for the question. The motion was approved 7-0. Councilor Glaser presented the amended version to Council. There was brief Council discussion. Council President Sharp passed the gavel to Councilor Glaser to address the Council. There was additional Council discussion. Council President Sharp referred Ordinance Z-485-05, As Amended, VERSION A 01/17/06, to return to the Plan Commission. Councilor Kirby made a motion to accept Ordinance Z-485-05, As Amended, VERSION A 01/17/06. Councilor Mayo seconded. Council President Sharp called for the question. The motion was approved 7-0.

## **PUBLIC HEARINGS**

There were none.

## **NEW BUSINESS**

Council President Sharp announced the **First Reading of Ordinance D-1793-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 6, Article 5, Division VIII, Section 6-161 of the Carmel City Code (Section 6-161, Correction of a scrivener's error). Councilor Rattermann made a motion to introduce this item into business. Councilor Glaser seconded. Councilor Glaser presented this item to Council. There was brief Council discussion. Councilor Mayo made a motion to suspend the rules and not send this item to committee and vote this evening. Councilor Griffiths seconded. There was no Council discussion. Council President Sharp called for the question. The motion was approved 7-0. Councilor Rattermann made a motion to approve Ordinance D-1793-06. Councilor Glaser seconded. There was no Council discussion. Council President Sharp called for the question. **Ordinance D-1793-06** was adopted 7-0.

Council President Sharp announced the **First Reading of Ordinance D-1794-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Regarding City of Carmel Stormwater Management. Councilor Mayo made a motion to introduce this item into business. Councilor Griffiths seconded. Councilor Glaser referred to Mike McBride, City Engineer, for a presentation to the Council. Also in attendance was Gary Duncan, Assistant City Engineer. There was no Council discussion. Council President Sharp referred Ordinance D-1794-06 to the Utilities, Transportation and Public Safety committee for further review and consideration.

Council President Sharp announced **Resolution CC-01-23-06-01 (Formerly CC-01-09-06-02)**; A Resolution of the Common Council of the City of Carmel, Indiana, Approving an Amendment to the Carmel/Clay Comprehensive Plan Regarding Civic Design Policies. This resolution was withdrawn by Councilor Rattermann.

Council President Sharp announced **Resolution CC-01-23-06-02**; A Resolution of the Common Council of the City of Carmel, Indiana, Amending the Contract with the Carmel Professional Firefighters Association (Local #4444). Councilor Carter made a motion to introduce this item into business. Councilor Mayo seconded. Councilor Mayo presented this item to Council. Councilor Mayo made a motion to suspend the rules and not vote on this resolution and to send it to committee. Councilor Griffiths seconded. Council President Sharp called for the question. The motion was approved 7-0. Council President Sharp referred Resolution CC-01-23-06-02 to the Utilities, Transportation and Public Safety committee for further review and consideration.

## **OTHER BUSINESS**

**Second Reading of Ordinance D-1782-05**; An Ordinance of the Common Council of the City of Carmel, Indiana to Vacate a Segment of Right-Of-Way for River Road; Sponsor: Councilor Glaser. TABLED 12/19/05. Councilor Glaser would like for this ordinance to remain tabled.

**First Reading of Ordinance D-1790-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing Speed Limits and Stop Intersections, and Designating Through Highways, Relative to the Monon Greenway; Sponsor: Councilor Carter. UTILITIES AND TRANSPORTATION COMMITTEE.

**First Reading of Ordinance D-1791-06**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 6, Article 4, Section 6-54 of the Carmel City Code (Posting and Placement of Signs in Public Right-Of-Way Prohibited); Sponsor(s): Councilor(s) Carter and Mayo. UTILITIES AND TRANSPORTATION COMMITTEE.

## **ANNOUNCEMENTS**

Council President Sharp reminded the Department of Community Services to review the parking requirements as they relate to commercial uses. The Council also recommended that the Department of Community Services return the Urban Design Initiative to the Plan Commission and incorporate the initiative into the Comprehensive Plan.

## **EXECUTION OF DOCUMENTS**

Mayor Brainard adjourned the meeting following execution of documents at 6:27 p.m.

## ADJOURNMENT

Respectfully submitted,

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Clerk-Treasurer Diana L. Cordray, IAMC

Approved,

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Mayor James Brainard

ATTEST:

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Clerk-Treasurer Diana L. Cordray, IAMC

**ORDINANCE D-1790-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,  
ESTABLISHING SPEED LIMITS AND STOP INTERSECTIONS, AND DESIGNATING  
THROUGH HIGHWAYS, RELATIVE TO THE MONON GREENWAY**

**WHEREAS**, the City of Carmel, Indiana (“City”), pursuant to Indiana Code 36-10, has established a linear park within its jurisdiction commonly known as the Monon Greenway (“Monon Greenway”); and

**WHEREAS**, the Carmel-Clay Parks and Recreation Board, as established and as governed by Indiana Code 36-10-3 (“Park Board”), operates and maintains the Monon Greenway pursuant to that certain Management Agreement originally entered into by and between the City and the Parks Board on July 16, 2003, as subsequently amended; and

**WHEREAS**, the Monon Greenway runs along a former rail corridor extending from 96<sup>th</sup> Street to 146<sup>th</sup> Street in Hamilton County, Indiana; and

**WHEREAS**, the Monon Greenway constitutes a “highway” and a “street” as those terms are defined in Indiana Code 9-13-2-73; and

**WHEREAS**, the Monon Greenway is utilized by bicycles and other non-motorized “vehicles,” as that term is defined in Indiana Code 9-13-2-196, by certain authorized “motor vehicles,” as that term is defined in Indiana Code 9-13-2-105, and by pedestrians; and

**WHEREAS**, the Monon Greenway crosses several highways and streets on its route, each such intersection creating a heightened risk of danger to persons traveling on the Monon Greenway and those persons traveling on intersecting thoroughfares; and

**WHEREAS**, it is in the best interests of public safety and welfare to regulate traffic at Monon Greenway intersections by establishing stop intersections on the Monon Greenway at these intersections, pursuant to Indiana Code 9-21-1-3 and City Code Section 8-30; and

**WHEREAS**, pursuant to Indiana Code 9-21-1-3, the City may regulate the speed of vehicles upon its highways and streets, as well as require all vehicles to stop before entering or crossing designated “through highways” located within its jurisdiction; and

**WHEREAS**, pursuant to Indiana Code 9-21-5-6(e), the City, upon the request of the Park Board, may establish the speed limit on the Monon Greenway as fifteen (15) miles per hour; and

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**WHEREAS**, the Park Board has requested that the City establish the speed limit for all vehicles traveling on the Monon Greenway at fifteen (15) miles per hour; and

**WHEREAS**, pursuant to Indiana Code 9-21-11-11 and 9-21-17-13, all persons using the Monon Greenway must obey the traffic control devices located thereon; and

**WHEREAS**, it is in the best interest of public safety and welfare to now declare the highways which cross the Monon Greenway as “through highways” and to require all vehicles and pedestrians on the Monon Greenway to stop before entering or crossing such “through highways,” and to establish a fifteen (15) miles per hour speed limit for all vehicles traveling on the Monon Greenway.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are fully incorporated herein and made a part hereof.

Section 2. The following thoroughfares located within the City’s jurisdiction are designated “through highways,” for purposes of Indiana Code 9-21-1-3, at and about their intersection with the Monon Greenway:

- |   |                                  |
|---|----------------------------------|
| a. West Smokey Row Road (West 136 <sup>th</sup> Street) | g. West Carmel Drive             |
| b. West Main Street (131 <sup>st</sup> Street)          | h. East 116 <sup>th</sup> Street |
| c. 1 <sup>st</sup> Street NW                            | i. Central Park Drive            |
| d. 1 <sup>st</sup> Street SW                            | j. East 111 <sup>th</sup> Street |
| e. 2 <sup>nd</sup> Street SW                            | k. East 96 <sup>th</sup> Street  |
| f. Gradle Drive   |                                  |

Section 3. Chapter 8, Article 9, Section 8-120 of the Carmel City Code, should be and is hereby amended to include the following locations:

<u>“Street Name</u>	<u>Direction of Traffic</u>	<u>Sign</u>	<u>Intersecting Street</u>
Monon Greenway	Northbound	Stop	West Smokey Row (West 136 <sup>th</sup> Street)
Monon Greenway	Southbound	Stop	West Smokey Row (West 136 <sup>th</sup> Street)
Monon Greenway	Northbound	Stop	West Main Street (131 <sup>st</sup> Street)
Monon Greenway	Southbound	Stop	West Main Street (131 <sup>st</sup> Street)
Monon Greenway	Northbound	Stop	1 <sup>st</sup> Street NW
Monon Greenway	Southbound	Stop	1 <sup>st</sup> Street NW
Monon Greenway	Northbound	Stop	1 <sup>st</sup> Street SW
Monon Greenway	Southbound	Stop	1 <sup>st</sup> Street SW
Monon Greenway	Northbound	Stop	2 <sup>nd</sup> Street SW
Monon Greenway	Southbound	Stop	2 <sup>nd</sup> Street SW

90	Monon Greenway	Northbound	Stop	East 116 <sup>th</sup> Street
91	Monon Greenway	Southbound	Stop	East 116 <sup>th</sup> Street
92	Monon Greenway	Northbound	Stop	Central Park Drive
93	Monon Greenway	Southbound	Stop	Central Park Drive
94	Monon Greenway	Northbound	Stop	East 111 <sup>th</sup> Street
95	Monon Greenway	Southbound	Stop	East 111 <sup>th</sup> Street
96	Monon Greenway	Northbound	Stop	Gradle Drive
97	Monon Greenway	Southbound	Stop	Gradle Drive
98	Monon Greenway	Northbound	Stop	West Carmel Drive
99	Monon Greenway	Southbound	Stop	West Carmel Drive
100	Monon Greenway	Northbound	Stop	East 96 <sup>th</sup> Street
101	Monon Greenway	Southbound	Stop	East 96 <sup>th</sup> Street"

Section 4. Chapter 8, Article 3, Section 8-28 of the Carmel City Code should be and the same is hereby added to the Carmel City Code and shall read as follows:

"Section 8-28. Fifteen Mile Per Hour Speed Limit Designations.

- a. No person may operate any "vehicle," as that term is defined in Indiana Code 9-13-2-196, as amended, in excess of fifteen miles per hour (15 mph) on the following streets:

(1) The Monon Greenway from its intersection with 96<sup>th</sup> Street to its intersection with 146<sup>th</sup> Street.

(2) {Reserved}

- b. Any person who operates a vehicle in violation of this Section shall, upon conviction thereof, be fined in an amount not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each such violation."

Section 5. The Carmel Street Department, in cooperation with the Carmel/Clay Parks Department, is directed to promptly prepare and post appropriate signage and/or markings at Monon Greenway intersections and along the Monon Greenway so as to effectuate this Ordinance.

Section 5. All prior City ordinances or parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 6. This Ordinance shall be in full force and effect from and after the date of its passage, execution by the Mayor, and publication as required by law.

**PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

Ordinance D-1790-06  
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COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Joseph C. Griffiths

\_\_\_\_\_  
Richard L. Sharp, President Pro Tempore

\_\_\_\_\_  
Kevin Kirby

\_\_\_\_\_  
Ronald E. Carter

\_\_\_\_\_  
Brian D. Mayo

\_\_\_\_\_  
Fredrick J. Glaser

\_\_\_\_\_  
Mark Rattermann

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_  
2005, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_ 2005, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

\_\_\_\_\_  
James Brainard, Mayor

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Ordinance D-1790-06  
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**ORDINANCE D-1791-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,  
AMENDING CHAPTER 6, ARTICLE 4, SECTION 6-54 OF THE CARMEL CITY CODE**

**WHEREAS**, the City of Carmel, Indiana, by and through its City Code Section 6-54, prohibits the posting and placement of signs within public rights-of-way; and

**WHEREAS**, the City has, over the past year, experienced several “mass postings” of signs in its rights-of-way by persons who use third parties so as to make it difficult for the City to locate and prosecute known individuals for such unlawful conduct; and

**WHEREAS**, the unlawful posting or placement of signs in public rights-of-way creates hazards to the motoring public and to those who must remove them from the rights-of-way, degrades the City’s aesthetics, and adversely affects public safety and welfare; and

**WHEREAS**, City Code Section 6-54 should be clarified to clearly put on notice all persons who post or place signs in the City’s right-of-way, either by themselves or through third parties, that such conduct is prohibited and will subject them to fines or other appropriate action by the City.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Chapter 6, Article 4, Section 6-54, of the Carmel City Code should be and the same is hereby amended to read as follows:

**“Sec. 6-54. Posting And Placement Of Signs In Public Right-Of-Way Prohibited**

(a) No person shall at any time within the City’s corporate boundaries attach, post or place, or cause to be attached, posted or placed, any sign, advertisement or notice in, on or upon any public property, place or right-of-way, nor in, on or upon any tree, pole, shrub, or other object or structure located therein.

(b) Any person who violates this Section shall be subject to a fine of Ten Dollars (\$10.00) for each offense, each offending sign, advertisement and notice constituting a separate offense.

(c) This Section shall not apply to properly authorized official traffic signs and devices.”

Section 3. This Ordinance compliments, and does not supercede nor replace, such other remedies and relief as may be available to the City under applicable law regarding the subject matter hereof.

Section 4. All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 5. This Ordinance shall be in full force and effect upon approval of the Common Council, execution by the Mayor and such publication as is required by law.

**PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA

Presiding Officer	Joseph C. Griffiths
Richard L. Sharp, President Pro Tempore	Kevin Kirby
Ronald E. Carter	Brian D. Mayo
Fredrick J. Glaser	Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ O'clock, \_\_\_\_ M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ O'clock, \_\_\_\_ M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

**ORDINANCE D-1794-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,  
REGARDING CITY OF CARMEL STORMWATER MANAGEMENT**

**WHEREAS**, 327 IAC 15-13 establishes specific requirements for municipal operators of separate storm sewer systems to initiate and manage a program to manage and control stormwater runoff associated with construction and post construction activities; and

**WHEREAS**, 327 IAC 15-13 establishes specific requirements for municipal operators of separate storm sewer systems to initiate and manage a program to regulate and prohibit Illicit Connections and Illicit Discharges to the Municipal Separate Storm Sewer System; and

**WHEREAS**, it is in the interest of public health and welfare for the City to adopt a comprehensive Stormwater Management Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Carmel, Indiana, as follows:

Section 1: The foregoing Recitals are incorporated herein by this reference.

Section 2: That Chapter 6 of the Carmel City Code is hereby amended to add a new Article 7, Sections 180 through 209, which shall read as follows:

**"ARTICLE 7**

**§6-180 Purpose and Intent.**

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Carmel through the regulation of Non-Stormwater Discharges to the Maximum Extent Practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of Pollutants into the City of Carmel Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) program authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management's Rule 13 (327 IAC 15-13), and the Indiana Department of Environmental Management's Rule 5 (327 IAC 15-5). The objectives of this ordinance are:

- (1) To prohibit the release of Pollutants to the MS4 from construction activity.
- (2) To prohibit the release of Pollutants to the MS4 from post construction runoff.
- (3) To prohibit Illicit Discharges into the MS4.
- (4) To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

**§6-181 Definitions.**

For the purposes of this ordinance, the following shall mean:

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Best Management Practices (BMPs). Structural or nonstructural practices, or a combination of practices, designed to act as effective, practicable means of minimizing the impacts of development and human activities on water quality. Traditional structural BMPs, including extended detention dry ponds, wet ponds, infiltration trenches, and sand filtration systems, are now common elements of most new development projects. Structural BMPs rely heavily on gravitational settling and/or the infiltration of soluble nutrients through a porous medium for pollutant removal. Nonstructural BMPs, which may be used independently or in conjunction with structural BMPs, rely on a much wider breadth of mechanisms to prevent or control non-point source pollution. Nonstructural BMPs range from programs that increase public awareness to prevent pollution, to the implementation of control-oriented techniques (such as bioretention and Stormwater wetlands) that utilize vegetation to enhance pollutant removal and restore the infiltrative capacity of the landscape

Clean Water Act (CWA). The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to a Stormwater Management Permit. These include construction projects resulting in land disturbance of ¼ acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition. This term does not include routine ditch or road maintenance, minor landscaping projects, agricultural land disturbing activities, forest harvesting activities, or individual building lots within a larger permitted project.

Entity. An individual, association, organization, partnership, firm, corporation, or other person or group of persons recognized by law and acting as either the owner or as the owner's agent.

Illicit Discharge. A direct or indirect Non-Stormwater or Pollutant Discharge to the Storm Drainage System, MS4, or Receiving Waters except as exempted in Section 11 of this ordinance.

Illicit Connections. An Illicit Connection is defined as either of the following:

A Stormwater Conveyance System, which allows an Illicit Discharge to enter the Storm Drainage System or the MS4, including but not limited to any conveyances which allow any Non-Stormwater Discharge and any connections to the Storm Drainage System, MS4, or Receiving Waters from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City of Carmel or,

Any conveyance connected from a commercial or industrial land use to the Storm Drainage System, MS4, or Receiving Water which has not been documented in plans, maps, or equivalent records and approved by the City of Carmel.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined by 327 IAC 15-6-1:12 (Rule 6).

Inspecting Authority. A City of Carmel representative or any other person authorized by the City of Carmel to perform inspections.

Maximum Extent Practicable (MEP). The statutory standard that establishes the level of Pollutant reductions that operators of regulated MS4s must achieve. The CWA requires that NPDES Stormwater Discharge Permits for discharges from MS4s "shall require controls to reduce the discharge of Pollutants to the Maximum Extent Practicable, including management practices, control techniques and system, design and engineering methods." This standard applies to all MS4s regulated under the Phase I and Phase II (Rule 13) Stormwater rules. Compliance with the conditions of Rule 13 and the series of steps associated with implementation of the required six minimum control measures will satisfy the MEP standard. Compliance with the six minimum control measures requires the development and implementation of BMPs. Implementation of the BMPs includes not only the actions necessary to initiate and continue the use of specific control measures, but also, the enforcement actions, as applicable, to ensure that the implementation of the control measures occurs.

Measurable Storm Event. Means a precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall.

Municipal Separate Storm Sewer System (MS4). A Stormwater Conveyance System which is owned or operated by a state, city, town, county, tribe, district, association, or other public body or a designated and approved management agency under Section 208 of the Clean Water Act that discharges into Waters of the United States (40 CFR 122.26(b)(8)).

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of Pollutants to Waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge. Any discharge to the Stormwater Conveyance System that is not composed entirely of Stormwater including, but not limited to: sewage, process wastewater, washwater, water containing pollutants, or any other liquid, other than uncontaminated Stormwater, discharged from a facility.

Notice of Intent (NOI). A written notification indicating an Entity's intention to comply with the terms of a specified general permit rule in lieu of applying for an individual NPDES Stormwater Discharge Permit and includes information as required under 327 IAC 15-3 and the applicable general permit rule.

Pollutant. Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes; yard wastes, including grass, brush, leaves, and limbs; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables, pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; soil and sediments; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Receiving Waters. Watercourses or Waters of the United States, or any body of water into which Stormwater is discharged.

Storm Drainage System. A non-MS4 Stormwater conveyance system that ultimately discharges to an MS4.

Stormwater Conveyance Systems. System of subsurface drainage systems, catch basins, and other drainage structures including retention and detention facilities, municipal streets, catch basins, curbs, gutters, roads with subsurface drainage systems, reservoirs, pumped piping systems, other drainage structures or watercourse.

Stormwater Pollution Prevention Plan (SWPPP). A document which describes the Best Management Practices and activities to be implemented by an Entity to identify sources of pollution or contamination at a site and the actions to eliminate or reduce Pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Technical Review and Comment Form. A form issued by the City of Carmel stating the SWPPP is adequate or stating revisions needed in the SWPPP.

Trained Individual. An individual who is trained and experienced in the principles of Stormwater quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make judgments regarding Stormwater quality control or treatment and monitoring.

Watercourse. Means "Watercourse" as defined in the Carmel City Code.

Waters of the United States. A term used in federal regulations that defines all water bodies regulated as waters of the U.S. It includes: (1) all waters which may be susceptible to use in interstate or foreign commerce; (2) all interstate waters, including interstate wetlands; (3) all other waters, such as intrastate lakes, rivers, streams (including intermittent streams), mud flats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds; the use, degradation, or destruction of which could affect interstate or foreign commerce including any such waters; (4) all impoundments of waters otherwise defined as waters of the U.S.; (5) tributaries of waters identified in this section; (6) the territorial seas; (7) wetlands adjacent to waters.

#### **§6-182 Applicability.**

This Ordinance shall apply to all Construction Activity, direct or indirect Stormwater discharges, and Illicit Discharges entering the Storm Drainage System, MS4, or Receiving Waters under the jurisdiction of the City of Carmel.

The City of Carmel, by and through its Board of Public Works and Safety, has the authority to modify, grant exemptions, and/or waive any and all the requirements of this Ordinance. A meeting with the City of Carmel Engineering Department may be requested by an Entity to discuss the applicability of various provisions of the Ordinance with regards to unique or unusual circumstances. However, any initial determination of such applicability shall not be binding on future determinations of the City of Carmel Engineering Department that may be based on the review of more detailed information and plans.

#### **§6-183 NPDES Stormwater Discharge Permit.**

Any Entity subject to an NPDES Stormwater Discharge Permit shall comply with all provisions of such permit and the provisions of this ordinance if the provisions of this ordinance are more restrictive than the NPDES Stormwater Discharge Permit. Proof of compliance with said permit and this ordinance may be required in a form acceptable to the City of Carmel prior to allowing discharges to the MS4.

**§6-184 Responsibility for Administration.**

The City of Carmel, by and through its Board of Public Works and Safety, shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the City of Carmel may be delegated in writing by the City of Carmel Board of Public Works and Safety to persons acting in the beneficial interest of or in the employ of the agency.

**§6-185 Conflicting Ordinances.**

The provisions of this Ordinance shall be deemed as additional requirements to minimum standards required by other City of Carmel codes and ordinances, and as supplemental requirements to Indiana's Rule 5 regarding Stormwater Discharge associated with Construction Activity and Indiana's Rule 13 regarding Stormwater runoff associated with MS4 conveyances. In case of conflicting requirements, the most restrictive shall apply. Unless otherwise stated, the most recent versions or editions of said codes, ordinances, laws, and statutes shall apply.

**§6-186 Stormwater Technical Standards Manual.**

The City of Carmel Stormwater Technical Standards Manual, and amendments thereto, are hereby incorporated herein by reference, with copies of the same being maintained in the Department of Engineering for public inspection during regular business hours.

**§6-187 Interpretation.**

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in "Definitions" shall be construed according to the respective definitions given in that section. Technical words and technical phrases that are not defined in this Ordinance but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings and as defined in 327 IAC 15-13 and 327 IAC 15-5 of the Indiana Code and other City of Carmel Codes and Ordinances.

**§6-188 Severability.**

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

**§6-189 Ultimate Responsibility.**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this Ordinance does not intend nor imply that compliance by any Entity will ensure that there will be no contamination, pollution, nor unauthorized discharge of Pollutants. The degree of protection required by this Ordinance is considered reasonable for regulatory purposes. This Ordinance shall not create liability on the part of City of Carmel or any officer, representative, or employee thereof, for any damage that may result from reliance on this Ordinance or on any administrative decision lawfully made there under.

**§6-190 Discharge Prohibitions.****A. Prohibition of Illicit Discharges.**

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1. No Entity shall discharge directly or indirectly or cause to be discharged into the Storm Drainage System, MS4, or Receiving Waters any materials, including but not limited to, Pollutants or Non-Stormwater discharges that cause or contribute to a violation of applicable water quality standards, other than Stormwater.
2. The commencement, conduct or continuance of any Illicit Discharge to the Storm Drainage System, MS4, or Receiving Waters is prohibited except as described as follows:
  - a. The following discharges are exempt from the requirements of this Section: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated – typically less than one PPM chlorine), firefighting activities, and any other water source not containing Pollutants.
  - b. Discharges specified in writing by the City of Carmel as being necessary to protect public health and safety.
  - c. Dye testing is an allowable discharge, but requires a verbal notification to the City of Carmel prior to the time of the test.
  - d. The prohibition shall not apply to any Non-Stormwater Discharge permitted under an NPDES Stormwater Discharge Permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, including this ordinance, and provided that written approval has been granted for any discharge to the Storm Drainage System, MS4, or Receiving Waters.

B. Prohibition of Illicit Connections.

3. The construction, use, maintenance, or continued existence of Illicit Connections is prohibited.
4. This prohibition expressly includes, without limitation, Illicit Connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
5. An Entity is in violation of this ordinance if the Entity makes an Illicit Connection or allows such a connection to continue after service of a notice of violation. This ordinance requires an immediate cessation of the Illicit Connection after service of the notice of violation.

**§6-191 Watercourse Protection.**

A. Improvement of Watercourse

Whenever a residential subdivision or commercial development constructs improvements upon lands, which is traversed by a watercourse, the landowner/developer shall make improvements to said watercourse. These improvements shall consist of the following:

1. All debris and obstructions within the channel (bank to bank) shall be removed. This shall include but not be limited to logjams and trash.
2. Clear all trees which are dead and leaning at a 45 degree or greater angle or trees with roots that are exposed in the channel and potentially will fall into the stream. In clearing, the tree shall be cut flush with the ground and treated with an EPA-approved brush killer.
3. All stream bank erosion shall be repaired in an acceptable manner approved by the City of Carmel.
4. The above-required improvements must be reflected on the overall design plans for the development and submitted to the City of Carmel for prior approval.

**B. Maintenance of Watercourse**

Entities owning property through which a Watercourse passes, or such an Entity's lessee, shall keep and maintain that part of the Watercourse in accordance with this Ordinance and the City of Carmel Property Maintenance Code. In addition, the Entity or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The Entity or lessee shall not place or construct a privately owned structure(s) or other impairment as defined in the City of Carmel Property Maintenance Code within or adjacent to the Watercourse such that is an impairment or a detriment (as defined in the City of Carmel Property Maintenance Code) or in such a location that is in violation of the City of Carmel Property Maintenance Code.

**§6-192 Storage of Pollutants.**

Storage or stockpiling of pollutants within any floodplain district is strictly prohibited. Storage or stockpiling of pollutants on active construction sites must include adequate protection and/or containment so as to prevent any such materials from entering any temporary or permanent Stormwater conveyance or Watercourse.

**§6-193 Access to Facilities.**

- A. The City of Carmel shall be permitted to enter and inspect any Premises subject to regulation under this ordinance or subject to the conditions of a NPDES Stormwater Discharge Permit as often as may be necessary to determine compliance with this ordinance. If a said Premise has security measures in force, which require proper identification and clearance before entry into its Premise, the owner of said Premise shall make the necessary arrangements to allow access to representatives of the City of Carmel.
- B. The City of Carmel shall be provided ready access to all parts of the Premises for the purposes of inspection, sampling, examination and provided access to all records that must be kept under the conditions of a NPDES Stormwater Discharge Permit or this Ordinance and shall be permitted to make copies of said records, and the performance of any additional duties as defined by state and federal law and any other applicable codes, ordinances, or laws which would otherwise have jurisdiction over the provisions of this ordinance.
- C. Unreasonable delay or refusal to allow the City of Carmel access to a Premise subject to regulation under this ordinance or subject to the conditions of a NPDES Stormwater Discharge Permit is a violation of this ordinance.

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- D. If the City of Carmel has been refused access to any part of the Premise, and The City of Carmel is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample any discharges as part of an inspection and sampling program developed to verify compliance with this Ordinance or any order issued hereunder, and/or to protect the overall public health, safety, and welfare of the City of Carmel, then the City of Carmel may seek issuance of a search warrant from any court of competent jurisdiction.
- E. Any temporary or permanent obstruction to safe and easy access to the Premise to be inspected and/or sampled shall be promptly removed by the owner of the Premises at the written or oral request of the City of Carmel and shall not be replaced. The costs of clearing such access shall be borne by the owner of the Premise.
- F. It shall be unlawful for the Entity of any Premise to refuse to allow the City of Carmel to enter upon the Premise for the purposes set forth in Section 27 of this Ordinance.

**§6-194 Monitoring of Discharges.**

- A. The City of Carmel shall have the right to install on any Premise, such devices as are necessary in the opinion of the City of Carmel to conduct monitoring and/or sampling of the Premise's discharge.
- B. The City of Carmel reserves the right to require the Entity of said Premise to install monitoring equipment as necessary. The Premise's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Entity at the expense of the Entity. Data resulting from said monitoring shall be provided to the City of Carmel. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.

**§6-195 Removal of Mud and Other Substances from City Streets.**

No entity shall, under any circumstance, cause any mud, dirt, sand, gravel, stone or other similar substance to be deposited upon any City street at any time.

**§6-196 Requirement to Prevent, Control, and Reduce Storm water Pollutants by the Use of Best Management Practices.**

Any Entity responsible for a premise, which is, or may be, the source of an Illicit Discharge shall provide, at their own expense, reasonable protection from an Illicit Discharge through the use of acceptable Best Management Practices (BMPs), as determined by the City of Carmel. Acceptable BMPs are outlined in the City of Carmel Stormwater Technical Standards Manual. This shall include any premise having an approved NPDES Stormwater Discharge Permit.

**§6-197 Notification of Spills.**

Any Entity who knowingly or accidentally causes an Illicit Discharge shall immediately notify emergency dispatch services. A written report concerning the Illicit Discharge shall be filed with the City of Carmel Engineering Department, by the dischargers, within five (5) days. The written report shall specify:

- A. The composition of the discharge and the cause thereof;
- B. The date, time, and estimated volume of the discharge;
- C. All measures taken to remedy the Illicit Discharge, and all measures proposed to be taken to prevent any recurrence;

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- D. The name and telephone number of the Entity making the report, and the name and telephone number of the Entity who may be contacted for additional information on the matter.

A properly reported Illicit Discharge shall be an affirmative defense to a civil infraction proceeding brought under this Ordinance against an Entity for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief because of or arising out of the Illicit Discharge. An Illicit Discharge shall be considered properly reported only if the Entity complies with all the requirements of this section. This requirement does not relieve the Entity from notifying other agencies as required by State or Federal regulations.

#### **§6-198 Floodplain Management.**

Filling of the land in the floodplain of a regulated drain or any natural stream or watercourse, that has a contributing drainage area of 25 acres or more, located within the City of Carmel is prohibited. The use of the floodplain area for detention/retention ponds or lakes is also prohibited. Floodplain boundaries are to be determined by using the 100-year Base Flood Elevation (BFE) as shown on the Flood Insurance Rate Maps (FIRM) of the Federal Emergency Management Agency (FEMA) and the Hamilton County 1-foot topographic data available on the Hamilton County GIS webpage.

- A. If during the process of using the BFE and the 1-foot topographic data it is determined that the FIRM is incorrect, then a Letter of Map Revision (LOMR) to correct the FIRM is to be filed with FEMA. No filling of the floodplain, either the floodplain shown on the FIRM or the floodplain determined by the Floodplain Study, whichever is more conservative, will be allowed until an approved copy of the LOMR is provided to the City of Carmel.
- B. If a FIRM does not establish a 100-year BFE for a regulated drain, natural stream, or natural watercourse, the 100-year BFE shall be established through a site specific Floodplain Study performed by a Professional Engineer registered in the State of Indiana in accordance with the IDNR Hydraulic Modeling Guidelines.
  1. If the drainage area for the Floodplain Study is greater than 1 square mile at the farthest downstream point of the study, then the Floodplain Study must be submitted to IDNR – Division of Water for approval and to the City of Carmel for review and comment. A copy of the final study, approved by IDNR – Division of Water, must be submitted to the City of Carmel as part of the project requiring the study to be completed.
  2. If the drainage area for the Floodplain Study is less than 1 square mile at the farthest downstream point of the study, then the Floodplain Study must be submitted to the City of Carmel for review and approval. The City of Carmel will have the option to send the Floodplain Study to a consulting engineering firm for review and comment, should the accuracy of the Floodplain Study be in question. The cost of the consulting engineering firm's time will be the responsibility of the owner of the project and will need to be consented to in a written agreement prior to any review of the Floodplain Study by the consulting engineer.
- C. The requirements of the section do not apply to the following:
  1. Agricultural uses such as crop production, pastures, orchards, tree farms, planting nurseries, vineyards, and general farming.
  2. Forestry, wildlife areas and nature preserves.
  3. County, City, or Township Parks

4. Public Streets, bridges, and roadways, as long as the crossing structure are properly sized to convey the natural stream or watercourse and not raise the 100-year BFE.
5. Regional Detention Basins approved by the City of Carmel.

#### **§6-199 Storm water Management Permit Requirements and Procedures.**

An approved Stormwater Management Permit shall be obtained prior to the initiation of any Construction Activities. In order to obtain a Stormwater Management Permit, the applicant shall be the Entity responsible for accomplishing the Construction Activity for which the Stormwater Management Permit was issued. In granting a Stormwater Management Permit, the City of Carmel may impose such terms and conditions as are reasonably necessary to meet the purpose of this Ordinance. The Entity shall insure compliance with such terms and conditions. Non-compliance with the terms and conditions of permits will be subject to enforcement as described in Section 23 of this ordinance. The Entity shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of the Stormwater Management Permit and the schedule for proposed implementation.

- A. The project site owner shall submit an application for a Stormwater Management Permit to the City of Carmel. The application will include a Stormwater Management Permit application form, construction plan sheets, stormwater drainage technical report, a stormwater pollution prevention plan, the applicable fees, and any other necessary support information, unless submitting to the Technical Advisory Committee, in which case, the owner shall insure the required documents are included in the Technical Advisory Committee packet. Specific information to be included in the application shall be prepared as state in the Storm water Technical Standards Manual Chapter 100. All plans, reports, calculations, and narratives shall be prepared in accordance with the City of Carmel Stormwater Technical Standards Manual and signed and sealed by a professional engineer, registered by the State of Indiana.
- B. The City of Carmel will review each application for a Stormwater Management Permit to determine its conformance with the provisions of this Ordinance. The City of Carmel will take one of the following actions:
  1. Approve the SWPPP for active construction sites and for post-construction and provide a Technical Review and Comment Form stating the "Plan is Adequate".
  2. Approve the SWPPP for active construction sites and for post-construction subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Ordinance, and issue the Technical Review and Comment Form stating the "Plan is Adequate" with said conditions outlined.
  3. Provide a Technical Review and Comment Form stating the "Plan is Deficient" and indicating the reason(s) and procedure for submitting a revised application and/or submission.

Any changes or deviations in the detailed plans and specifications after approval of the applicable Stormwater Management Permit shall be filed with, and accepted by, the City of Carmel prior to the commencement of Construction Activity involving the change. Applicable fees, with respect to the review of all drainage submittals, preliminary plans, final plans, construction plans and accompanying information and data, as well as any applicable pre-paid inspection fees, are due in accordance with the City of Carmel Department of Engineering Fee Ordinance before any permit is issued. The City of Carmel shall have the right to not accept the drainage improvements or to not accept the advancement of any project for which the applicable fees have not been paid.

- C. After receiving a Technical Review and Comment Form stating the "Plan is Adequate", the project site owner must notify the City of Carmel and IDEM 48 hours before beginning construction. Notification shall be in the form of an IDEM NOI form along with proof of publication of public notice. The publication must include the following:

"(Company name, address) is submitting an NOI letter to notify the City of Carmel and the Indiana Department of Environmental Management of our intent to comply with the requirements of the City of Carmel Stormwater Management Ordinance, as well as the requirements of 327 IAC 15-5 and 327 IAC 15-13, to discharge stormwater from construction activities for the following project: (name of the construction project, address of the location of the construction project, and Parcel Identification Number). Run-off from the project site will discharge to (stream(s) receiving the discharge(s))."

Once a permit has been issued and the updated NOI submitted to the City of Carmel and IDEM 48 hours before beginning construction, construction may commence. A stop work order per Section 24 shall be issued by the City of Carmel for all projects that are proceeding without such notification.

- D. Once construction starts, the project owner shall monitor construction activities and inspect all stormwater pollution prevention measures to ensure compliance with the City of Carmel's applicable ordinances and the terms and conditions of the approved permit, in accordance with Section 22 of this Ordinance. Lack of maintenance of stormwater pollution prevention measures during construction or failure to implement the approved SWPPP by the approved schedule of implementation shall constitute a violation of this ordinance, subject to enforcement under the provisions of this ordinance.
- E. Upon completion of construction activities, as-built plans must be submitted to the City of Carmel.
- F. The Entity must submit a Notice of Termination (NOT) letter to the City of Carmel once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed. The City of Carmel shall inspect the construction site and verify the requirements for an NOT have been met. Once the applicant receives a "verified" copy of the NOT, they must forward a copy to IDEM.

#### **§6-200 Individual Lot Plot Plan Permit Requirements and Procedures.**

For individual lots disturbing less than one (1) acre, developed within a larger permitted project, a formal review and issuance of an Individual Lot Plot Plan Permit will be required before a building permit can be issued. The individual lot owner must complete a Residential Lot Plot Plan Permit application, in accordance with the Stormwater Technical Standards Manual. In submitting the individual lot plot plan for plan review, applicable fees are due in accordance with the City of Carmel Department of Engineering Fee Ordinance. These fees are due before approval for a plan can be issued. The individual lot owner is responsible for installation and maintenance of all erosion and sediment control measures until the site is stabilized. In instances where an NOT has been issued to the developer and there are multiple lots being developed and a violation of this ordinance occurs that cannot be attributed to an individual lot owner, then all lot owners with active construction shall, collectively, be found in violation.

#### **§6-201 Performance Surety and Maintenance Guarantee.**

As a condition of approval and issuance of the permit, the City of Carmel shall require the applicant to provide financial performance and maintenance guarantees in accordance with Section 5.07 of the City of Carmel Subdivision Control Ordinance. Said assurance will guarantee a good faith execution of the stormwater drainage plan, the SWPPP, the stormwater quality management plan, and any permit conditions.

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Notice of the scheduled date for completion of construction shall be provided to the City of Carmel at least seventy-two (72) hours prior to its planned completion. The owner will schedule the final inspection, the storm drain and site grading. Performance sureties will be released in accordance with Section 5.07.03.

**§6-202 Construction Activity Inspection.**

- A. A self-monitoring program shall be implemented for all permitted land disturbing activities. A Trained Individual shall perform a written evaluation of the project site by the end of the next business day following each Measurable Storm Event. If there are no Measurable Storm Events within a given week, the site should be monitored at least once in that week.
- B. The evaluation shall document the maintenance efforts of existing Best Management Practices to ensure proper function in accordance with this ordinance; and identify additional measures necessary to remain in compliance with all applicable statutes and rules.
- C. Written evaluation reports include the following:
  1. The name of the individual performing the evaluation;
  2. The date of the evaluation;
  3. Problems identified at the project site; and
  4. Details of corrective actions recommended and completed
- D. All evaluation reports for the project site shall be made available to the City of Carmel within forty-eight (48) hours of a request.
- E. The City of Carmel will perform inspections at their discretion to evaluate the installation, implementation, and maintenance of control measures and management practices at any project site involved in Construction Activities and provide necessary recommendations for conformance with the provisions of this ordinance and the Stormwater Management Permit. Access to the construction project site shall be provided in accordance with Section 14 of this Ordinance. If inspections are required outside the set inspection schedule (City of Carmel Department of Engineering Fee Ordinance) than an additional re-inspection fee will be charged (City of Carmel Department of Engineering Fee Ordinance).
- F. A pre-construction meeting is required to be held with the participation of the City of Carmel and other entities involved prior to any grading activity to ensure that appropriate erosion control measures have been implemented on the site and the location of any existing tiles have been properly marked.
- G. If after a recommendation is provided to the Entity, corrective action is not taken; the City of Carmel will pursue enforcement in accordance with this ordinance.

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**§6-203 Post Construction Stormwater Quality Management.**

The City of Carmel has established a minimum standard that the measurement of the effectiveness of the control of stormwater quality will be based on the management of Total Suspended Solids (TSS). The project site owner must submit to the City of Carmel, a post-construction SWPPP that would show placement of appropriate BMP(s) from a pre-approved list of BMPs specified in the City of Carmel Stormwater Technical Standards Manual and would demonstrate that the expected TSS loadings in runoff associated with one inch of rainfall will be reduced by a minimum of 80% at the outfall(s) exiting the site. The noted BMPs must be designed, constructed, and maintained according to guidelines provided or referenced in the City of Carmel Stormwater Technical Standards Manual. Practices other than those specified in the pre-approved list may be utilized. However, the burden of proof, as to whether the performance (minimum 80% TSS removal) and ease of maintenance of such practices will be according to guidelines provided in the City of Carmel Stormwater Technical Standards Manual, would be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMPs are provided in the City of Carmel Stormwater Technical Standards Manual.

The following activities are exempt from the requirements of this Section:

- A. agricultural land-disturbing activities; or
- B. timber harvesting activities; or
- C. construction activities associated with a single family residential dwelling disturbing less than five (5) acres, when the dwelling is not part of a larger common plan of development or sale; or
- D. a single-family residential strip development where the developer offers for sale or lease without land improvements and the project is not part of a larger common plan of development of sale; or
- E. individual building lots within a larger permitted project.

**§6-204 BMP Maintenance.**

BMPs shall be maintained in a condition that their effectiveness in treating runoff is not diminished, in accordance with the Operation and Maintenance procedures and schedules listed in the Indiana Stormwater Quality Manual or the City of Carmel Stormwater Technical Standards Manual, and the terms and conditions of an approved Stormwater Management Permit, and shall not be subsequently altered, revised, or replaced, except in accordance with the provisions of an approved Stormwater Management Permit (as amended or revised) or as approved by the City of Carmel. The BMP owner is considered in violation of this ordinance if the BMP is not maintained properly.

Following the issuance of an NOT or the installation of an acceptable BMP, inspection and maintenance of the BMP(s) shall be the long-term responsibility of the HOA or Entity as specified in restrictive covenants. The HOA or Entity is required to inspect the referenced BMP(s) at least once per year. The inspections shall follow the Operation and Maintenance procedures included in the City of Carmel Stormwater Technical Standards Manual and/or the Stormwater Management Permit for each specific BMP. The inspection shall cover physical conditions, available water quality storage capacity, and the operational condition of key facility elements. The HOA or Entity is required to submit a yearly inspection report form (City of Carmel Stormwater Technical Standards Manual) demonstrating proof of inspection, with the first report to be required one year after the HOA or Entity gains ownership of the BMP(s), and subsequent reports due each year within the month of the original transfer of ownership. Noted deficiencies and corrective actions taken should be included in the report.

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The City of Carmel has the authority to perform long-term inspection of all public or privately owned BMPs. Such inspections will be in addition to that required to be performed by the HOA or the Entity on a regular basis. The HOA or Entity is in violation of this ordinance if an inspection report is not submitted to the City of Carmel within one month of the date due, if the HOA or Entity fails to correct noted deficiencies within the allowed time period, or if the City of Carmel identifies a violation that was stated as not existing in the submitted inspection report.

#### **§6-205 Notice of Violation.**

- A. In the event an Entity has violated this Ordinance, the City of Carmel may order compliance by written Notice of Violation to the Entity. Such notice may require without limitation:
  1. The performance of monitoring, analyzing, and reporting;
  2. The elimination of Illicit Connections or Illicit Discharges;
  3. That Illicit Discharges shall cease and desist;
  4. The abatement or remediation of the Illicit Discharge and the restoration of any affected property;
  5. Payment of a fine;
  6. The implementation of source control and/or installation of acceptable BMPs;
  7. Payment of any costs borne by the City of Carmel, including but not limited to, remediation costs, legal fees, consultant fees, monitoring costs, construction costs, collection fees;
  8. The installation, implementation, and/or maintenance of the approved components of a SWPPP or other erosion and sediment control practices as deemed necessary by the City of Carmel;
  9. Issuance of a Stop Work Order; and/or
  10. Revocation or suspension of the Stormwater Management Permit.
- B. The City of Carmel may, without prior Notice of Violation, suspend Storm Drainage System or MS4 access to an Entity in the form of a Suspension Order when such suspension is necessary to stop an actual or threatened Illicit Discharge which presents or may present imminent and substantial danger.
- C. The Notice of Violation or Suspension Order shall:
  - a. Be in writing;
  - b. Include a description of the property for identification;
  - c. Include a statement of the violation(s) and section violated and why the notice or order is being issued;
  - d. Include a description of corrective actions to be taken allowing a sufficient reasonable amount of time, of at least one (1) day from the time the Notice of Violation or Suspension Order is given, to make the repairs and improvements required to bring the property into compliance with the provisions of this ordinance; and

- e. Include a notice containing the right to appeal the City of Carmel's determination to the Board of Public Works in accordance with Section 25 of this ordinance.
- D. Reinspection of remedied violations will be assessed a reinspection fee in accordance with the City of Carmel Department of Engineering Fee Ordinance.
- E. If the Entity fails to comply with a Suspension Order or fails to perform steps provided in a Notice of Violation within the established deadline, then the City of Carmel may take steps as deemed necessary to prevent or minimize damage or remediate a violation. All reasonable costs associated with the abatement or restoration shall be assessed against the owner of the property and may be filed as a lien against the property in the amount of the assessment. It shall be unlawful for any Entity, owner, agent or person in possession of any Premise to refuse to allow the City of Carmel or its designated contractor to enter upon the Premise for the purposes set forth above.
- F. In the event of a Suspension, the City of Carmel shall not reinstate suspended services or MS4 access to the Entity until the Entity presents proof, satisfactory to the City of Carmel, the Illicit Discharge has been eliminated and its cause determined and corrected. An Entity violates this ordinance if the Entity reinstates MS4 access to Premises terminated pursuant to this section, without the prior approval of the City of Carmel.
- G. In addition to the penalties listed above, if Construction Activities are conducted contrary to the provisions of this Ordinance or a Stormwater Management Permit, the City of Carmel may order the work stopped by notice in writing, in the form of a Stop Work Order, served on any Entity engaged in the doing or causing of such work to be done, and any such Entity shall forthwith stop such work until authorized by the City of Carmel to proceed with the work.

#### **§6-206 Appeal of Notice of Violation.**

- A. Any Entity receiving a notice of violation may appeal the determination of violation to the effect that a Notice of Violation or Order served in accordance with this ordinance is in error, or should, due to hardship, be modified or entitled to a variance from enforcement, or that a reasonable extension of time for the compliance should be granted upon the grounds of a demonstrated case of hardship and evidence of an actual undertaking to correct the violation, together with a legitimate intent to comply within a reasonable time period, may appeal to the Board of Public Works for rescission of the Notice or Order, or for a modification, variance, or extension of time for compliance.
- B. A request for rescission, modification, variance, or extension of time shall be made in writing, to the City of Carmel Clerk/Treasurer's Office, to be placed on the Board of Public Works and Safety agenda, within ten (10) days of the Appellant's receipt of a copy of the Notice or Order. The Board of Public Works and Safety shall schedule a hearing within thirty (30) days of receipt of the request.
- C. All hearings before the Board of Public Works and Safety shall be open to the public. The appellant, the appellant's representative, and any persons whose interests are affected shall be given an opportunity to be heard.
- D. Prior to ruling on an appeal, the Board of Public Works and Safety shall make the following findings:
1. The violator was served with a Notice or Order
  2. The Notice or Order that was served stated the specific nature of the violation; corrective action to be taken to abate the violation; and a specific time period for abatement of violation.

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Prepared by Carmel Engineering Department

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3. Within the time period stipulated by the Notice or Order, the violator failed to comply by not abating the violation, and/or not bringing into compliance with this ordinance.
  4. Upon expiration of the date indicated for compliance in the Notice or Order, the premises was being maintained in violation of specific provisions of this ordinance and/or conditions imposed by Board of Public Works and Safety as a prerequisite to the modification of a previous compliance order.
  5. Determination that a violation exists on the premises.
- E. At the conclusion of the hearing at which a continuance is not granted, the Board of Public Works and Safety may reverse, affirm, or modify the Order, Notice, requirement, decision or determination appealed from, and may make such Order, requirement, decision or determination as justice would require. The Board's determination and findings of fact shall be recorded and if a Notice or Order is affirmed or modified, the Board of Public Works and Safety shall, in the determination on appeal, reestablish a reasonable timeline to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Ordinance.
- F. Any entity, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law.
- G. Appeals of notices and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the Board of Public Works and Safety hears rules on the appeal.

#### **§6-207 Transfer of Ownership.**

No owner of any premise upon whom a Notice of Violation has been served shall sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the Notice of Violation have been complied with, or until such owner first furnishes the grantee, transferee, mortgagee or lessee a true copy of any compliance order or Notice of Violation issued by the City of Carmel and furnishes to the City of Carmel a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such Notice of Violation and fully accepting the responsibility without condition for making corrections or repairs required by such Notice of Violation.

#### **§6-208 Penalties for Violations.**

Violations of this Ordinance are subject to civil fines and penalties as prescribed by the provisions of the City of Carmel Code of Ordinances, General Provisions, Section 1-11.

#### **§6-209 Full Force and Effect.**

This Ordinance shall be in full force and effect from and after its passage, signing by the Mayor and publication as required by law.

All ordinances or parts thereof in conflict with the provisions of the Ordinance are hereby repealed."

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Section 3. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 4. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 5. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

**PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

**COMMON COUNCIL FOR THE CITY OF CARMEL, INDIANA**

_____ Presiding Officer	_____ Joseph C. Griffiths
_____ Richard L. Sharp, President Pro Tempore	_____ Kevin Kirby
_____ Ronald E. Carter	_____ Brian D. Mayo
_____ Fredrick J. Glaser	_____ Mark Rattermann

ATTEST:

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

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Presented by me to the Mayor of the City of Carmel, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ 2005, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ 2005, at \_\_\_\_\_ O'clock, \_\_\_\_\_. M.

\_\_\_\_\_  
James Brainard, Mayor

**ATTEST:**

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

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**ORDINANCE Z-486-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE  
CITY OF CARMEL, INDIANA**

*An Ordinance Updating a Variety of Provisions of the Carmel Zoning and Subdivision Control Ordinances*

**WHEREAS**, pursuant to the Advisory Planning Law of the State of Indiana (contained in IC 36-7-4), each unit of local government that wishes to adopt land use and zoning ordinances must first approve by resolution a comprehensive plan for the geographic area over which it has jurisdiction; and

**WHEREAS**, the 2020 Vision Comprehensive Plan (the "Comprehensive Plan") Docket No. 16-96 CP was given a favorable recommendation by the Carmel/Clay Advisory Plan Commission on August 20, 1996, and duly approved by Resolution No. CC-09-03-96-03 of the Common Council on September 24, 1996, and is therefore the official Comprehensive Plan of the City of Carmel and Clay Township; and

**WHEREAS**, the City wishes to maintain an orderly, consistent and streamlined Zoning Ordinance; and

**WHEREAS**, pursuant to Indiana Code 36-7-4-602 the Common Council is authorized to amend the text of the zoning ordinance; and

**WHEREAS**, pursuant to Indiana Code 36-7-4-701 the Common Council is authorized to amend the text of the Subdivision Control Ordinance; and

**WHEREAS**, pursuant to Indiana Code 36-7-4-610 and City of Carmel Ordinance No. D-1600-02, the Carmel Zoning and Subdivision Control Ordinances are incorporated by reference into the Carmel City Code;

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Carmel, Indiana, that, pursuant to IC 36-7-4-600 and IC 36-7-4-700 et seq. and after Docket No. 05120002 OA having received a favorable recommendation from the Carmel Advisory Plan Commission on Tuesday, January 17, 2006, it hereby adopts this Ordinance to amend the Carmel Zoning Ordinance (Ordinance No. Z-289, as amended) and the Carmel Subdivision Control Ordinance (Ordinance No. Z-160), as amended, to read as follows:

**Section I:**

**SCO CHAPTER 6: STANDARDS OF DESIGN**

a. Amend *Section 6.03.20 (Private Streets - Street Layout and Design Standards)* to read:

**6.03 Street Layout and Design Standards.**

6.03.20 There shall be no private streets platted in any residential subdivision and every residential subdivided property shall be served from a publicly dedicated street. Streets in commercial or industrial subdivisions shall be reviewed so that proper provisions are made for maintenance and access. A petition for public dedication of private streets at some future time shall not be granted until said streets are upgraded to the then-current specifications and standards for like public

streets, with the upgrading cost to be borne by the petitioners. A waiver to allow private streets shall be considered only if the following criteria are met:

1. Street must offer no feasible “through” links for the surrounding transportation network and function as a local street.
2. Street may not utilize hammerhead street designs.
3. Street can not obstruct any future connections identified on the Thoroughfare Plan.
4. Auxiliary lanes (acceleration / deceleration lanes and passing blister) must be provided at the entrance to the street.
5. All interior street improvements must be designed and installed according to City standards; including right-of-way width, storm drainage, curb and gutter, pavement widths, sub-surface drains, sidewalks, and driveway cuts.
6. A demonstrated financial guarantee that the home owners’ association will budget for the maintenance and upkeep of all street improvements.
7. All adjacent pedestrian path stubs must connect. Pedestrian paths must be dedicated or platted in easements to allow public ingress/egress
8. The following condition of approval is required for any waiver request to permit a private street:
9. If and when the City is petitioned to take over the private street, said street must be improved to the current governing City standards prior to acceptance. All required improvements to be at the home owners’ association’s expense.

b. Add Section 6.03.26 (*Gates – Street Layout and Design Standards*) as follows:

6.03.26 Gates. Gates to private streets shall be permitted only when the following criteria are met:

1. Public pedestrian and bike access to & through the site must be provided without obstruction.
2. Minimum of 60 feet of stacking area shall be provided outside the gate. Stacking area can not be within the Thoroughfare Plan right of way.
3. Turnaround area with adequate turning radius must be provided (the design vehicle for the turnaround area should be a passenger vehicle.) Turnaround and gate must be located outside of the Thoroughfare Plan right-of-way.
4. School bus pick-up area must be provided.
5. Gate and associated structures must be of high quality materials and construction.
6. Walls or other enclosures must be landscaped and designed with human-scale articulation along their exterior perimeters.
7. Perimeter wall height shall be as approved by the Commission.
8. Emergency response access to the development must be provided and approved by all City public safety departments.
9. Access to other City or County departments must be provided for official business, including, but not limited to building inspections, code enforcement inspections and inspections for tax assessment purposes.
10. Gates must have no overhead obstructions.
11. Power must be supplied to the gates at all times.
12. Under no circumstances shall gated entries be permitted in the area between US 31 – Meridian Street and SR 431 – Keystone Avenue.

c. Add Section 6.03.27 (Walls – Street Layout and Design Standards) as follows:

6.03.27 Walls. Subdivision entry and perimeter walls are permitted; however, no wall or fence which abuts an arterial, parkway or collector roadway shall be constructed primarily of wood. All walls abutting arterial, parkway or collector roadways shall be reviewed and approved by the Commission.

## SCO CHAPTER 9: PLAT CERTIFICATES, DEED OF DEDICATION

d. Amend Section 9.01: Commission's Certificate to read:

### 9.01 Commission's Certificate.

The following certificate shall appear on every final plat:

UNDER AUTHORITY PROVIDED BY INDIANA CODE 36-7-4-710 ~~CHAPTER 174, ACTS OF 1947, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE~~ ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE CITY OF CARMEL, AS FOLLOWS:

Granted Administrative approval by the Department of Community Services pursuant to Article XI of the Carmel Plan Commission's Rules of Procedure on \_\_\_\_\_, 200\_\_.

~~Adopted by the Carmel/Clay Plan Commission at a meeting held \_\_\_\_\_, 200\_\_.~~

CARMEL ~~/CLAY~~ PLAN COMMISSION

BY: \_\_\_\_\_ (Name) \_\_\_\_\_, Director  
DEPARTMENT OF COMMUNITY SERVICES  
Carmel, Indiana

(SEAL)

e. Amend Section 9.03: Board of Public Works and Safety Certificate to read:

### 9.03 Board of Public Works and Safety Certificate.

The following certificate shall appear on every final plat for a subdivision that is located wholly or partially within the corporate limits of the City of Carmel, Indiana, at the time of final plat approval by the Carmel ~~/Clay~~ Plan Commission:

THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF CARMEL, INDIANA, AT A MEETING HELD:

\_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
(Name), Mayor \_\_\_\_\_ (Name), Member

\_\_\_\_\_  
(Name), Member \_\_\_\_\_ (Name), Clerk Treasurer

\_\_\_\_\_  
~~Chairman~~

\_\_\_\_\_  
~~Secretary~~

f. Amend *Section 9.04: Board of County Commissioners Certificate* to read:

**9.04 Board of County Commissioners Certificate.**

The following certificate shall appear on every final plat for a subdivision that is located wholly or partially outside the corporate limits of the City of Carmel, Indiana, at the time of final plat approval by the Carmel/~~Clay~~ Plan Commission.

UNDER AUTHORITY PROVIDED BY CHAPTER 47, ACTS OF 1951, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, INDIANA, AT A MEETING HELD:

\_\_\_\_\_, 200\_\_\_\_\_.

BOARD OF COMMISSIONERS OF HAMILTON  
COUNTY, INDIANA

\_\_\_\_\_  
~~Chairman~~(Name) President

\_\_\_\_\_  
~~Commissioner~~(Name) Member

\_\_\_\_\_  
~~Commissioner~~(Name) Member

ATTEST:

\_\_\_\_\_  
(Name)–  
(Name) Hamilton County, Auditor

(SEAL)

**ZO CHAPTER 3: DEFINITIONS**

g. Add definitions to *Section 3.07: Definitions* to read:

SIGN, PERMANENT.

1. A sign that is intended to be erected for more than 1 year, other than a Subdivision Construction Sign.
2. A sign that in fact has been in place for more than 1 year. In situations where a sign has been in place for more than 1 year, the property owner is entitled to a single renewal of the yearly temporary sign permit. Upon expiration of that renewal, the property owner must submit an application for a permanent sign and must adhere to the ordinances applied to permanent signs.

SIGN, TEMPORARY.

1. A Subdivision Construction Sign and a sign that is intended to be erected for a specified amount of time that is less than 1 year. The duration must be specified in the application.
2. A sign that in fact is erected for less than a year.

h. Amend the following definition(s) in *Section 3.07: Definitions* to read:

SIGN, PROJECTING. A sign attached to and supported by a building and which extends out at any angle therefrom. This type of sign shall be permitted in Old Town Carmel and within the Carmel Drive – Range Line Road Overlay only and shall be limited to twenty (20) square feet maximum Sign Area.

## **ZO CHAPTER 23F: CARMEL DRIVE – RANGE LINE ROAD OVERLAY**

i. Amend *Section 23F.13: Signage* to read:

### **23F.13 Signage.**

#### **23F.13.01 Prohibited signs:**

A. Ground Signs

B. All other signs specified in *Section 25.07.01-4: Prohibited Signs*.

23F.13.02 Wall signs are allowed provided that they fit within the horizontal and vertical elements of the building and not obscure details of the building. No sign shall be allowed to extend above the cornice line of a building. Size shall be determined by Sign Chart A of *Section 25.07: Sign Ordinance*.

23F.13.03 In cases where Wall Signs are located less than five feet (5') from a right-of-way line, the Wall Sign shall be deemed to be located five (5) feet from the right-of-way for purposes of applying Sign Chart A to determine the allowable sign area.

23F.13.04 Projecting Signs are allowed for new or existing buildings which comply with setback, orientation and height requirements, as specified in Sections 23F.05, 23F.06 and 23F.07 of this Chapter.

## **ZO CHAPTER 25: ADDITIONAL USE REGULATIONS**

j. Amend *Section 25.01.01.(C)(8(a))* to read:

### **8. Private Swimming Pool.**

a. Minimum Side and Rear Yard Setbacks. A swimming pool or its deck shall be set back a minimum of the greater of the following:

i. Ten (10) feet from the Side and/or Rear Lot Line or

ii. the Minimum Side and/or Rear Setback for the district.

k. Amend *Section 25.02.01 (fence section)* to read:

25.02.01 On residentially used or zoned lots of less than two acres, fences located within any required front yard shall not exceed forty-two (42) inches in height, as measured from the topmost point thereof to the ground adjacent to the fence. At least twenty-five percent (25%) of its area shall be open as viewed on any line perpendicular to the vertical plane of the fence. Such open spaces must be reasonably dispersed throughout the entire area of the fence, except where solid stone or brick walls are permitted. No primarily wooden fences shall be constructed within any required front yard adjacent to any arterial, parkway or collector roadway (see also Subdivision Control Ordinance Section, 6.03.27).

## ZO CHAPTER 25.07: SIGN ORDINANCE

### 1. Amend *Section 25.07.01-04: Prohibited Signs* to read:

#### **25.07.01-04 Prohibited Signs.**

The following types of signs are prohibited:

- a) Signs which contain statements, words, or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency.
- b) Signs which contain or are in imitation of an official traffic sign or signal or contain the words "stop", "slow", "caution", "danger", "warning" or similar words, unless permitted in another section of this Ordinance.
- c) Signs which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic or street sign or signal.
- d) Signs which advertise an activity, business, project or service no longer conducted on the premises upon which the sign is located.
- e) Signs which move by design or have a major moving part.
- f) Signs consisting of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners or similar devices, unless they are permitted specifically by other sections of this Ordinance.
- g) Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment and whose movement can be construed as dangerous by the Administrator.
- h) Signs which are located in such a manner as to obstruct the view of the intersection of a street or highway with a railroad crossing.
- i) Signs which are located upon, over, or in any street or highway right-of-way, except for official highway signs.
- j) Portable signs which are portable or moveable, except as permitted under provisions of this section.
- k) Signs which are established on trees, utility poles and fences.
- l) Signs which advertise goods, products, services or facilities or direct persons to a different location (or to a telephone number at a different location) from where the sign is installed. (Off-premise signs require a Developmental Standards Variance from the Board.)
- m) Suspended Signs and Projecting Signs, except in Old Town Carmel [and the Carmel Drive – Range Line Road Overlay Zone.](#)
- n) Signs which are not included under the types of signs permitted in this Ordinance.
- o) Lighter than air advertising devices.
- p) Roof Signs on residences which have been converted to office, business and/or manufacturing uses.
- q) It shall be prohibited to park or use a vehicle in such a way as to function as a sign, defined to include the parking of any vehicle, trailer or similar movable structure containing or supporting any signage between the right-of-way line and any public street and the greater of two distances: forward of the Front Line of Building of the

Principal Building or one hundred-fifty (150) feet from the public right-of-way, with the exception of:

- (i) Vehicles actively involved in construction on or serving of the site;
- (ii) Vehicles delivering products to the site in designated loading areas;
- (iii) Vehicles parked in designated truck parking areas of a development that have been screened from or are not generally visible from the public right-of-way;
- (iv) Vehicles parked on sites where parking is not available one hundred-fifty (150) feet or more from the public right-of-way. In such cases, vehicles supporting signage shall be located as far as possible from the public right-of-way, subject to determination by the Director.
- (v) Passenger vehicles, pick-up trucks, and vans of a size that can fully fit within a standard parking space, containing signs painted on or permanently affixed on the doors or integral body panels that do not exceed sixteen (16) square feet in area.

m. Amend *Section 25.07.02-13: Old Town Carmel* to read:

**25.07.02-13 Old Town Carmel**

This section applies to all commercial uses located on properties zoned B-1, B-2, B-3, B-5, B-6, B-7, B-8, M-1, M-3, (or subsequently created business or manufacturing zone), (and additionally situated in) Old Town Carmel, as determined by the boundaries of the Old Town District Overlay Zone. Said commercial uses may utilize the signage requirements in *Sections 25.07.02-08 through 25.07.02-12* of this Ordinance.

- a) SIGN CLASSIFICATION: Suspended Sign; Projecting Sign or Porch Sign. (Only in Old Town Carmel [and the Carmel Drive – Range Line Road Overlay](#) are these types of signs permitted.)
- b) NUMBER & TYPE: One (1) Identification Sign per business in a Single-tenant Building or a Multi-tenant Ground Floor Building. One (1) Building Identification Sign per Multi-tenant Ground Floor Building or Multi-tenant Multi-level Building is permitted if seven (7) or more businesses occupy the same building. In no instance shall any building or Multi-tenant Building Complex have more than one (1) Ground Identification Sign.  
  
If the Identification Sign is to be used for tenant identification then all building tenants shall equally share the Sign Area as per appropriate chart. This includes the Center Identification Ground Sign - all copy shall be included on only one (1), Ground Identification Sign.
- c) MAXIMUM SIGN AREA:
  - i) Twenty (20) square feet for a Projecting Sign;
  - ii) Twelve (12) square feet for a Suspended Sign;
  - iii) Six (6) square feet for a Porch Sign.
- d) MAXIMUM HEIGHT OF GROUND SIGN (Suspended): Eight (8) feet.
- e) LOCATION: No Ground Sign shall be located closer than five (5) feet to the right-of-way and shall not interfere with Vision Clearance. A Projecting Sign may be utilized only when the building on which it is to be established has a Front Yard with a depth of less than five (5) feet. A Projecting Sign shall be located a minimum of two (2) feet behind the curb and shall measure a minimum distance of eight (8) feet from the bottom of the sign to ground level.

- f) COLOR & DESIGN: No restrictions except for those signs which require approval by the Commission. However, signs in Unified Centers must be of similar design and identical in lighting, color, height of sign area and style of construction.
- g) COPY: As per definition of Identification Sign.
- h) ILLUMINATION: Permitted.
- i) LANDSCAPING: Optional.
- j) REQUIRED APPROVALS: ADLS approval is required for all permanent signs that are established in a Zoning District and/or Overlay Zone requiring ADLS approval.
- k) SIGN PERMIT: Required.
- l) FEES: Required.

n. Amend *Section 25.07.03-01: Subdivision Construction Signs* to read:

**25.07.03-01 Subdivision Construction Signs.**

- a) SIGN CLASSIFICATION: Ground Sign.
- b) NUMBER & TYPE: One (1) sign per entrance.
- c) MAXIMUM SIGN AREA: ~~Sixty-four~~ Thirty-two (6432) square feet per sign.
- d) MAXIMUM HEIGHT OF GROUND SIGN: Eight (8) feet.
- e) LOCATION: At entrance to subdivision; sign shall not interfere with Vision Clearance and shall be a minimum of ten (10) feet from the street right-of-way, except when located on a corner lot, as for Vision Clearance on Corner Lots (see *Section 3.07: Definitions*, in Zoning Regulations).
- f) DESIGN: No restrictions.
- g) COPY: No restrictions.
- h) ILLUMINATION: Not permitted.
- i) LANDSCAPING: Not required.
- j) REQUIRED APPROVAL: None.
- k) SIGN PERMIT: Required.
- l) FEES: Required.
- m) TIME: May be established after, but not before final approval of subdivision plans; may remain until less than ~~twenty percent (20%) of the~~ five (5) lots in the subdivision remain for sale; and may be in addition to any permanent Subdivision Sign permitted by the terms of this Ordinance. Permit renewal is subject to the determination of the Director

o. Amend *Section 25.07.03-03: Real Estate Signs* to read:

**25.07.03-03 Real Estate Signs.**

- a) SIGN CLASSIFICATION: Ground Sign.
- b) NUMBER & TYPE: One (1) sign per Property Frontage. No more than two (2) Sign Faces per sign, and the angle of separation between the faces of the sign shall not exceed sixty degrees (60°). (Refer to *DIAGRAM 1*)

- 1 c) MAXIMUM SIGN AREA:
- 2 1) Residential zones:
- 3 i) Lot size under five (5) acres: Six (6) square feet and
- 4 ii) Lot size five (5) acres and over: ~~Thirty-two~~ Twenty (~~32~~20) square
- 5 feet
- 6 2) Business and Manufacturing Zones - maximum Sign Face Area (both
- 7 faces, if applicable):
- 8 i) for a lot less than ~~five-ten~~ (~~5~~10) acres in area shall be twenty (20)
- 9 square feet, and
- 10 ii) for a lot located in the US Highway 31 or US Highway 421 –
- 11 Michigan Road Corridor Overlay Zones which is greater than
- 12 five (5) acres in area shall be thirty-two (32) square feet.
- 13 d) MAXIMUM HEIGHT OF GROUND SIGN:
- 14 1) Lot size under five (5) acres: Five (5) feet;
- 15 2) Lot size five (5) acres and over: Eight (8) feet.
- 16 e) LOCATION:
- 17 1) Residential Zones:
- 18 i) Signs of six (6) square feet or less: Ten (10) feet from right-of-
- 19 way;
- 20 ii) over six (6) square feet: Twenty-five (25) feet from right-of-way.
- 21 2) Business and Manufacturing Zones:
- 22 i) Signs of six (6) square feet or less: Five (5) feet from the right-
- 23 of-way;
- 24 ii) over six (6) square feet: Ten (10) feet from the right-of-way.
- 25 iii) For lots with more than one (1) street frontage, the distance
- 26 between any two (2) signs shall not be less than fifteen (15) feet
- 27 at any point; and
- 28 iv) for through lots, two (2) signs may not be located in the same
- 29 half yard. (Refer to *DIAGRAM 2*).
- 30 f) DESIGN: No restrictions.
- 31 g) COPY: May announce the sale, rental or lease of the premises, but shall reflect no
- 32 advertising or promotional material other than to indicate the party listing the
- 33 property for sale or lease.
- 34 h) ILLUMINATION: Not permitted.
- 35 i) LANDSCAPING: Not required.
- 36 j) REQUIRED APPROVAL: None.
- 37 k) SIGN PERMIT: Required for signs with a Sign Area over six (6) square feet.
- 38 l) TIME:
- 39 1) Residential Zones - Signs shall be removed promptly after closing, lease
- 40 or rental of the property. An OPEN HOUSE sign may be posted only
- 41 when an open house is being conducted on the premises, unless the sign
- 42 lists the dates and times of a future open house.

- p. Amend *Section 25.07.04-03: Interim Signage Pending Permanent Sign* to read:

- a) SIGN CLASSIFICATION: Banner
- b) NUMBER & TYPE: One (1) banner for each approved permanent sign
- c) MAXIMUM SIGN AREA: Not to exceed the area of the approved permanent sign.
- d) LOCATION: Shall be placed in the location(s) of the not yet erected permanent signs.
- e) DESIGN: As per definition of Banner
- f) COPY: As per definition of Identification Sign
- g) ILLUMINATION: Not permitted
- h) LANDSCAPING: Not required
- i) REQUIRED APPROVALS: A sign permit for permanent signage is required before an interim Banner permit can be issued
- j) SIGN PERMIT: Required for temporary interim Banner
- k) FEES: Required
- l) TIME: An interim Banner shall not be displayed for more than ninety (90) days following the issuance of the temporary Banner permit. An extension of time not to exceed ninety (90) days may be granted. Such extension request must be made in writing. The fee for extensions is an additional interim Banner permit fee.

~~A temporary banner attached securely to the wall of a building on all corners shall be permitted until a permanent sign is erected. The temporary banner must satisfy the applicable regulations concerning maximum Sign Area and location, and a Sign Permit is required. The temporary banner shall not be displayed for more than ninety (90) days following the issuance of the Sign Permit, unless the Administrator for good cause shown grants an extension of time not to exceed ninety (90) days.~~

**Section III:** This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

1           **Ordinance Z-486-06 PASSED** by the Common Council of the City of Carmel, Indiana  
2 this \_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

3  
4                           **COMMON COUNCIL FOR THE CITY OF CARMEL**  
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6  
7 \_\_\_\_\_  
8 Presiding Officer

\_\_\_\_\_   
Joe Griffiths

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10 \_\_\_\_\_  
11 Richard L. Sharp, President Pro Tempore

\_\_\_\_\_   
Kevin Kirby

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13 \_\_\_\_\_  
14 Ronald E. Carter

\_\_\_\_\_   
Brian Mayo

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16 \_\_\_\_\_  
17 Fred Glaser

\_\_\_\_\_   
Mark Rattermann

18  
19  
20 ATTEST:

21  
22  
23 \_\_\_\_\_  
24 Diana L. Cordray, IAMC, Clerk-Treasurer

**Ordinance Z-486-06** Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ .M.

---

Diana L. Cordray, IAMC, Clerk-Treasurer

**Ordinance Z-486-06** Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ M.

James Brainard, Mayor

ATTEST:

---

Diana L. Cordray, IAMC, Clerk-Treasurer

Prepared by: John R. Molitor  
Carmel Plan Commission Attorney  
One Civic Square  
Carmel, IN 46032

**ORDINANCE Z-486-06**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE  
CITY OF CARMEL, INDIANA**

*An Ordinance Updating a Variety of Provisions of the Carmel Zoning and Subdivision Control Ordinances*

**WHEREAS**, pursuant to the Advisory Planning Law of the State of Indiana (contained in IC 36-7-4), each unit of local government that wishes to adopt land use and zoning ordinances must first approve by resolution a comprehensive plan for the geographic area over which it has jurisdiction; and

**WHEREAS**, the 2020 Vision Comprehensive Plan (the “Comprehensive Plan”) Docket No. 16-96 CP was given a favorable recommendation by the Carmel/Clay Advisory Plan Commission on August 20, 1996, and duly approved by Resolution No. CC-09-03-96-03 of the Common Council on September 24, 1996, and is therefore the official Comprehensive Plan of the City of Carmel and Clay Township; and

**WHEREAS**, the City wishes to maintain an orderly, consistent and streamlined Zoning Ordinance; and

**WHEREAS**, pursuant to Indiana Code 36-7-4-602 the Common Council is authorized to amend the text of the zoning ordinance; and

**WHEREAS**, pursuant to Indiana Code 36-7-4-701 the Common Council is authorized to amend the text of the Subdivision Control Ordinance; and

**WHEREAS**, pursuant to Indiana Code 36-7-4-610 and City of Carmel Ordinance No. D-1600-02, the Carmel Zoning and Subdivision Control Ordinances are incorporated by reference into the Carmel City Code;

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Carmel, Indiana, that, pursuant to IC 36-7-4-600 and IC 36-7-4-700 et seq. and after Docket No. 05120002 OA having received a favorable recommendation from the Carmel Advisory Plan Commission on Tuesday, January 17, 2006, it hereby adopts this Ordinance to amend the Carmel Zoning Ordinance (Ordinance No. Z-289, as amended) and the Carmel Subdivision Control Ordinance (Ordinance No. Z-160), as amended, to read as follows:

**Section I:**

**SCO CHAPTER 6: STANDARDS OF DESIGN**

a. Amend *Section 6.03.20 (Private Streets - Street Layout and Design Standards)* to read:

**6.03 Street Layout and Design Standards.**

6.03.20 There shall be no private streets platted in any residential subdivision and every residential subdivided property shall be served from a publicly dedicated street. Streets in commercial or industrial subdivisions shall be reviewed so that proper provisions are made for maintenance and access. A petition for public dedication of private streets at some future time shall not be granted until said streets are upgraded to the then-current specifications and standards for like public

streets, with the upgrading cost to be borne by the petitioners. A waiver to allow private streets shall be considered only if the following criteria are met:

1. Street must offer no feasible “through” links for the surrounding transportation network and function as a local street.
2. Street may not utilize hammerhead street designs.
3. Street can not obstruct any future connections identified on the Thoroughfare Plan.
4. Auxiliary lanes (acceleration / deceleration lanes and passing blister) must be provided at the entrance to the street.
5. All interior street improvements must be designed and installed according to City standards; including right-of-way width, storm drainage, curb and gutter, pavement widths, sub-surface drains, sidewalks, and driveway cuts.
6. A demonstrated financial guarantee that the home owners’ association will budget for the maintenance and upkeep of all street improvements.
7. All adjacent pedestrian path stubs must connect. Pedestrian paths must be dedicated or platted in easements to allow public ingress/egress
8. The following condition of approval is required for any waiver request to permit a private street:
9. If and when the City is petitioned to take over the private street, said street must be improved to the current governing City standards prior to acceptance. All required improvements to be at the home owners’ association’s expense.

b. Add Section 6.03.26 (*Gates – Street Layout and Design Standards*) as follows:

6.03.26 Gates. Gates to private streets shall be permitted only when the following criteria are met:

1. Public pedestrian and bike access to & through the site must be provided without obstruction.
2. Minimum of 60 feet of stacking area shall be provided outside the gate. Stacking area can not be within the Thoroughfare Plan right of way.
3. Turnaround area with adequate turning radius must be provided (the design vehicle for the turnaround area should be a passenger vehicle.) Turnaround and gate must be located outside of the Thoroughfare Plan right-of-way.
4. School bus pick-up area must be provided.
5. Gate and associated structures must be of high quality materials and construction.
6. Walls or other enclosures must be landscaped and designed with human-scale articulation along their exterior perimeters.
7. Perimeter wall height shall be as approved by the Commission.
8. Emergency response access to the development must be provided and approved by all City public safety departments.
9. Access to other City or County departments must be provided for official business, including, but not limited to building inspections, code enforcement inspections and inspections for tax assessment purposes.
10. Gates must have no overhead obstructions.
11. Power must be supplied to the gates at all times.
12. Under no circumstances shall gated entries be permitted in the area between US 31 – Meridian Street and SR 431 – Keystone Avenue.

c. Add Section 6.03.27 (*Walls – Street Layout and Design Standards*) as follows:

6.03.27 Walls. Subdivision entry and perimeter walls are permitted; however, no wall or fence which abuts an arterial, parkway or collector roadway shall be constructed primarily of wood. All walls abutting arterial, parkway or collector roadways shall be reviewed and approved by the Commission.

## SCO CHAPTER 9: PLAT CERTIFICATES, DEED OF DEDICATION

d. Amend Section 9.01: *Commission's Certificate* to read:

### **9.01 Commission's Certificate.**

The following certificate shall appear on every final plat:

UNDER AUTHORITY PROVIDED BY INDIANA CODE 36-7-4-710 AND ORDINANCES ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE CITY OF CARMEL, AS FOLLOWS:

Granted Administrative approval by the Department of Community Services pursuant to Article XI of the Carmel Plan Commission's Rules of Procedure on \_\_\_\_\_, 200\_\_.

CARMEL PLAN COMMISSION

BY: \_\_\_\_\_ (Name) \_\_\_\_\_, Director  
DEPARTMENT OF COMMUNITY SERVICES  
Carmel, Indiana

(SEAL)

e. Amend Section 9.03: *Board of Public Works and Safety Certificate* to read:

### **9.03 Board of Public Works and Safety Certificate.**

The following certificate shall appear on every final plat for a subdivision that is located wholly or partially within the corporate limits of the City of Carmel, Indiana, at the time of final plat approval by the Carmel Plan Commission:

THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF CARMEL, INDIANA, AT A MEETING HELD:

\_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
(Name), Mayor

\_\_\_\_\_  
(Name), Member

\_\_\_\_\_  
(Name), Member

\_\_\_\_\_  
(Name), Clerk Treasurer

f. Amend Section 9.04: *Board of County Commissioners Certificate* to read:

#### **9.04 Board of County Commissioners Certificate.**

The following certificate shall appear on every final plat for a subdivision that is located wholly or partially outside the corporate limits of the City of Carmel, Indiana, at the time of final plat approval by the Carmel Plan Commission.

UNDER AUTHORITY PROVIDED BY CHAPTER 47, ACTS OF 1951, ENACTED BY THE  
GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY  
THERE TO, THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF COUNTY  
COMMISSIONERS OF HAMILTON COUNTY, INDIANA, AT A MEETING HELD:

\_\_\_\_\_, 200\_\_\_\_\_.

BOARD OF COMMISSIONERS OF HAMILTON  
COUNTY, INDIANA

(Name) President

(Name) Member

(Name) Member

ATTEST:

(Name) Hamilton County, Auditor

(SEAL)

## ZO CHAPTER 3: DEFINITIONS

80. Add definitions to *Section 3.07: Definitions* to read:

SIGN, PERMANENT.

1. A sign that is intended to be erected for more than 1 year, other than a Subdivision Construction Sign.
2. A sign that in fact has been in place for more than 1 year. In situations where a sign has been in place for more than 1 year, the property owner is entitled to a single renewal of the yearly temporary sign permit. Upon expiration of that renewal, the property owner must submit an application for a permanent sign and must adhere to the ordinances applied to permanent signs.

SIGN, TEMPORARY.

1. A Subdivision Construction Sign and a sign that is intended to be erected for a specified amount of time that is less than 1 year. The duration must be specified in the application.
2. A sign that in fact is erected for less than a year.

h. Amend the following definition(s) in *Section 3.07: Definitions* to read:

**SIGN, PROJECTING.** A sign attached to and supported by a building and which extends out at any angle therefrom. This type of sign shall be permitted in Old Town Carmel and within the Carmel Drive – Range Line Road Overlay only and shall be limited to twenty (20) square feet maximum Sign Area.

1 **ZO CHAPTER 23F: CARMEL DRIVE – RANGE LINE ROAD OVERLAY**

2 i. Amend *Section 23F.13: Signage* to read:

3  
4 23F.13 Signage.

5 23F.13.01 Prohibited signs:

6 A. Ground Signs

7 B. All other signs specified in *Section 25.07.01-4: Prohibited Signs*.

8 23F.13.02 Wall signs are allowed provided that they fit within the horizontal and vertical  
9 elements of the building and not obscure details of the building. No sign shall be  
10 allowed to extend above the cornice line of a building. Size shall be determined by  
11 Sign Chart A of *Section 25.07: Sign Ordinance*.

12 23F.13.03 In cases where Wall Signs are located less than five feet (5') from a right-of-way  
13 line, the Wall Sign shall be deemed to be located five (5) feet from the right-of-way  
14 for purposes of applying Sign Chart A to determine the allowable sign area.

15 23F.13.04 Projecting Signs are allowed for new or existing buildings which comply with  
16 setback, orientation and height requirements, as specified in Sections 23F.05, 23F.06  
17 and 23F.07 of this Chapter.

18  
19 **ZO CHAPTER 25: ADDITIONAL USE REGULATIONS**

20 j. Amend *Section 25.01.01.(C)(8(a))* to read:

21 8. Private Swimming Pool.

22 a. Minimum Side and Rear Yard Setbacks. A swimming pool or its deck shall be set back a  
23 minimum of the greater of the following:

24 i. Ten (10) feet from the Side and/or Rear Lot Line or

25 ii. the Minimum Side and/or Rear Setback for the district.

26  
27 k. Amend *Section 25.02.01 (fence section)* to read:

28 25.02.01 On residentially used or zoned lots of less than two acres, fences located within any required front  
29 yard shall not exceed forty-two (42) inches in height, as measured from the topmost point thereof  
30 to the ground adjacent to the fence. At least twenty-five percent (25%) of its area shall be open as  
31 viewed on any line perpendicular to the vertical plane of the fence. Such open spaces must be  
32 reasonably dispersed throughout the entire area of the fence, except where solid stone or brick  
33 walls are permitted. No primarily wooden fences shall be constructed within any required front  
34 yard adjacent to any arterial, parkway or collector roadway (*see also Subdivision Control*  
35 *Ordinance Section, 6.03.27*),  
36

37 **ZO CHAPTER 25.07: SIGN ORDINANCE**

38 l. Amend *Section 25.07.01-04: Prohibited Signs* to read:

39  
40 **25.07.01-04 Prohibited Signs.**

41 The following types of signs are prohibited:

42 a) Signs which contain statements, words, or pictures of an obscene, indecent, or  
43 immoral character, such as will offend public morals or decency.

- b) Signs which contain or are in imitation of an official traffic sign or signal or contain the words "stop", "slow", "caution", "danger", "warning" or similar words, unless permitted in another section of this Ordinance.
- c) Signs which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic or street sign or signal.
- d) Signs which advertise an activity, business, project or service no longer conducted on the premises upon which the sign is located.
- e) Signs which move by design or have a major moving part.
- f) Signs consisting of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners or similar devices, unless they are permitted specifically by other sections of this Ordinance.
- g) Signs which swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment and whose movement can be construed as dangerous by the Administrator.
- h) Signs which are located in such a manner as to obstruct the view of the intersection of a street or highway with a railroad crossing.
- i) Signs which are located upon, over, or in any street or highway right-of-way, except for official highway signs.
- j) Portable signs which are portable or moveable, except as permitted under provisions of this section.
- k) Signs which are established on trees, utility poles and fences.
- l) Signs which advertise goods, products, services or facilities or direct persons to a different location (or to a telephone number at a different location) from where the sign is installed. (Off-premise signs require a Developmental Standards Variance from the Board.)
- m) Suspended Signs and Projecting Signs, except in Old Town Carmel and the Carmel Drive – Range Line Road Overlay Zone.
- n) Signs which are not included under the types of signs permitted in this Ordinance.
- o) Lighter than air advertising devices.
- p) Roof Signs on residences which have been converted to office, business and/or manufacturing uses.
- q) It shall be prohibited to park or use a vehicle in such a way as to function as a sign, defined to include the parking of any vehicle, trailer or similar movable structure containing or supporting any signage between the right-of-way line and any public street and the greater of two distances: forward of the Front Line of Building of the Principal Building or one hundred-fifty (150) feet from the public right-of-way, with the exception of:
- (i) Vehicles actively involved in construction on or serving of the site;
  - (ii) Vehicles delivering products to the site in designated loading areas;
  - (iii) Vehicles parked in designated truck parking areas of a development that have been screened from or are not generally visible from the public right-of-way;
  - (iv) Vehicles parked on sites where parking is not available one hundred-fifty (150) feet or more from the public right-of-way. In such cases, vehicles

supporting signage shall be located as far as possible from the public right-of-way, subject to determination by the Director.

- (v) Passenger vehicles, pick-up trucks, and vans of a size that can fully fit within a standard parking space, containing signs painted on or permanently affixed on the doors or integral body panels that do not exceed sixteen (16) square feet in area.

m. Amend *Section 25.07.02-13: Old Town Carmel* to read:

**25.07.02-13 Old Town Carmel.**

This section applies to all commercial uses located on properties zoned B-1, B-2, B-3, B-5, B-6, B-7, B-8, M-1, M-3, (or subsequently created business or manufacturing zone), (and additionally situated in) Old Town Carmel, as determined by the boundaries of the Old Town District Overlay Zone. Said commercial uses may utilize the signage requirements in *Sections 25.07.02-08 through 25.07.02-12* of this Ordinance.

- a) SIGN CLASSIFICATION: Suspended Sign; Projecting Sign or Porch Sign. (Only in Old Town Carmel and the Carmel Drive – Range Line Road Overlay are these types of signs permitted.)

- b) NUMBER & TYPE: One (1) Identification Sign per business in a Single-tenant Building or a Multi-tenant Ground Floor Building. One (1) Building Identification Sign per Multi-tenant Ground Floor Building or Multi-tenant Multi-level Building is permitted if seven (7) or more businesses occupy the same building. In no instance shall any building or Multi-tenant Building Complex have more than one (1) Ground Identification Sign.

If the Identification Sign is to be used for tenant identification then all building tenants shall equally share the Sign Area as per appropriate chart. This includes the Center Identification Ground Sign - all copy shall be included on only one (1), Ground Identification Sign.

- c) MAXIMUM SIGN AREA:

- i) Twenty (20) square feet for a Projecting Sign;
- ii) Twelve (12) square feet for a Suspended Sign;
- iii) Six (6) square feet for a Porch Sign.

- d) MAXIMUM HEIGHT OF GROUND SIGN (Suspended): Eight (8) feet.

- e) LOCATION: No Ground Sign shall be located closer than five (5) feet to the right-of-way and shall not interfere with Vision Clearance. A Projecting Sign may be utilized only when the building on which it is to be established has a Front Yard with a depth of less than five (5) feet. A Projecting Sign shall be located a minimum of two (2) feet behind the curb and shall measure a minimum distance of eight (8) feet from the bottom of the sign to ground level.

- f) COLOR & DESIGN: No restrictions except for those signs which require approval by the Commission. However, signs in Unified Centers must be of similar design and identical in lighting, color, height of sign area and style of construction.

- g) COPY: As per definition of Identification Sign.

- h) ILLUMINATION: Permitted.

- i) LANDSCAPING: Optional.

j) REQUIRED APPROVALS: ADLS approval is required for all permanent signs that are established in a Zoning District and/or Overlay Zone requiring ADLS approval.

k) SIGN PERMIT: Required.

l) FEES: Required.

n. Amend *Section 25.07.03-01: Subdivision Construction Signs* to read:

**25.07.03-01 Subdivision Construction Signs.**

a) SIGN CLASSIFICATION: Ground Sign.

b) NUMBER & TYPE: One (1) sign per entrance.

c) MAXIMUM SIGN AREA: Thirty-two (32) square feet per sign.

d) MAXIMUM HEIGHT OF GROUND SIGN: Eight (8) feet.

e) LOCATION: At entrance to subdivision; sign shall not interfere with Vision Clearance and shall be a minimum of ten (10) feet from the street right-of-way, except when located on a corner lot, as for Vision Clearance on Corner Lots (see *Section 3.07: Definitions*, in Zoning Regulations).

f) DESIGN: No restrictions.

g) COPY: No restrictions.

h) ILLUMINATION: Not permitted.

i) LANDSCAPING: Not required.

j) REQUIRED APPROVAL: None.

k) SIGN PERMIT: Required.

l) FEES: Required.

m) TIME: May be established after, but not before final approval of subdivision plans; may remain until less than five (5) lots in the subdivision remain for sale; and may be in addition to any permanent Subdivision Sign permitted by the terms of this Ordinance. Permit renewal is subject to the determination of the Director

o. Amend *Section 25.07.03-03: Real Estate Signs* to read:

**25.07.03-03 Real Estate Signs.**

a) SIGN CLASSIFICATION: Ground Sign.

b) NUMBER & TYPE: One (1) sign per Property Frontage. No more than two (2) Sign Faces per sign, and the angle of separation between the faces of the sign shall not exceed sixty degrees (60°). (Refer to *DIAGRAM I*)

c) MAXIMUM SIGN AREA:

1) Residential zones:

i) Lot size under five (5) acres: Six (6) square feet and

ii) Lot size five (5) acres and over: Twenty (20) square feet

2) Business and Manufacturing Zones - maximum Sign Face Area (both faces, if applicable):

i) for a lot less than ten (10) acres in area shall be twenty (20) square feet, and

- ii) for a lot located in the US Highway 31 or US Highway 421 – Michigan Road Corridor Overlay Zones which is greater than five (5) acres in area shall be thirty-two (32) square feet.
- d) MAXIMUM HEIGHT OF GROUND SIGN:
  - 1) Lot size under five (5) acres: Five (5) feet;
  - 2) Lot size five (5) acres and over: Eight (8) feet.
- e) LOCATION:
  - 1) Residential Zones:
    - i) Signs of six (6) square feet or less: Ten (10) feet from right-of-way;
    - ii) over six (6) square feet: Twenty-five (25) feet from right-of-way.
  - 2) Business and Manufacturing Zones:
    - i) Signs of six (6) square feet or less: Five (5) feet from the right-of-way;
    - ii) over six (6) square feet: Ten (10) feet from the right-of-way.
    - iii) For lots with more than one (1) street frontage, the distance between any two (2) signs shall not be less than fifteen (15) feet at any point; and
    - iv) for through lots, two (2) signs may not be located in the same half yard. (Refer to *DIAGRAM 2*).
- f) DESIGN: No restrictions.
- g) COPY: May announce the sale, rental or lease of the premises, but shall reflect no advertising or promotional material other than to indicate the party listing the property for sale or lease.
- h) ILLUMINATION: Not permitted.
- i) LANDSCAPING: Not required.
- j) REQUIRED APPROVAL: None.
- k) SIGN PERMIT: Required for signs with a Sign Area over six (6) square feet.
- l) TIME:
  - 1) Residential Zones - Signs shall be removed promptly after closing, lease or rental of the property. An OPEN HOUSE sign may be posted only when an open house is being conducted on the premises, unless the sign lists the dates and times of a future open house.
  - 2) Business and Manufacturing Zones - Signs shall be removed within seven (7) days of the sale, lease or rental of the property.
  - 3) Multi-family Housing Complex - Once eighty percent (80%) of units are leased, sold or occupied, Real Estate Signs are limited to either Ground Sign, Wall Sign or Window Sign of six (6) square feet or less.

p. Amend *Section 25.07.04-03: Interim Signage Pending Permanent Sign* to read:

**25.07.04-03 Interim Signage Pending Permanent Sign.**

- a) SIGN CLASSIFICATION: Banner

- b) NUMBER & TYPE: One (1) banner for each approved permanent sign
- c) MAXIMUM SIGN AREA: Not to exceed the area of the approved permanent sign.
- d) LOCATION: Shall be placed in the location(s) of the not yet erected permanent signs.
- e) DESIGN: As per definition of Banner
- f) COPY: As per definition of Identification Sign
- g) ILLUMINATION: Not permitted
- h) LANDSCAPING: Not required
- i) REQUIRED APPROVALS: A sign permit for permanent signage is required before an interim Banner permit can be issued
- j) SIGN PERMIT: Required for temporary interim Banner
- k) FEES: Required
- l) TIME: An interim Banner shall not be displayed for more than ninety (90) days following the issuance of the temporary Banner permit. An extension of time not to exceed ninety (90) days may be granted. Such extension request must be made in writing. The fee for extensions is an additional interim Banner permit fee.

**Section II:** All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

**Section III:** This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

**Ordinance Z-486-06 PASSED** by the Common Council of the City of Carmel, Indiana  
this \_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

1  
2 **COMMON COUNCIL FOR THE CITY OF CARMEL**  
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6 \_\_\_\_\_  
7 Presiding Officer

\_\_\_\_\_ Joseph C. Griffiths

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9 \_\_\_\_\_  
10 Richard L. Sharp, President Pro Tempore

\_\_\_\_\_ Kevin Kirby

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12 \_\_\_\_\_  
13 Ronald E. Carter

\_\_\_\_\_ Brian D. Mayo

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15 \_\_\_\_\_  
16 Fredrick J. Glaser

\_\_\_\_\_ Mark Rattermann

17 ATTEST:  
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21 \_\_\_\_\_  
22 Diana L. Cordray, IAMC, Clerk-Treasurer

23 **Ordinance Z-486-06** Presented by me to the Mayor of the City of Carmel, Indiana this  
24 \_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_.M.

25  
26  
27 \_\_\_\_\_  
28 Diana L. Cordray, IAMC, Clerk-Treasurer

29  
30  
31 **Ordinance Z-486-06** Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_  
32 day of \_\_\_\_\_, 2006, at \_\_\_\_\_.M.

33  
34  
35 \_\_\_\_\_  
36 James Brainard, Mayor

37 ATTEST:  
38  
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40  
41 \_\_\_\_\_  
42 Diana L. Cordray, IAMC, Clerk-Treasurer

43  
44 Prepared by: John R. Molitor  
45 Carmel Plan Commission Attorney  
46 One Civic Square  
47 Carmel, IN 46032

01/27/2006

**RESOLUTION CC-02-06-06-01**

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF CARMEL,  
INDIANA, APPROVING THE ENLARGEMENT OF CERTAIN ECONOMIC  
DEVELOPMENT AREAS IN THE CITY**

WHEREAS, on February 6, 2006, the City of Carmel Redevelopment Commission (the “Redevelopment Commission”), as the governing body for the City of Carmel Redevelopment Department (the “Department”), pursuant to Indiana Code 36-7-14, as amended (the “Act”), adopted the following resolutions following public hearings thereon:

(1) Resolution No. 3-2006 which amended and enlarged the Integrated 126<sup>th</sup> Street Corridor Economic Development Area (the “126<sup>th</sup> Street EDA”);

(2) Resolution No. 4-2006 which amended and enlarged the Old Town Economic Development Area (the “Old Town EDA”);

(3) Resolution No. 5-2006 which amended and enlarged the Illinois Street Economic Development Area (the “Illinois Street EDA”);

(4) Resolution No. 6-2006 which amended and enlarged the Merchants Pointe Economic Development Area (the “Merchants Pointe EDA”) (Resolution Nos. 3-2006, 4-2006, 5-2006, and 6-2006 are hereinafter collectively referred to as the “Redevelopment Commission Resolutions,” and the 126<sup>th</sup> Street EDA, the Old Town EDA, the Illinois Street EDA, and the Merchants Pointe EDA are hereinafter collectively referred to as the “Economic Development Areas”); and

WHEREAS, the amendments referred to above enlarge each of the respective Economic Development Areas by less than twenty percent (20%) or their original size; and

WHEREAS, the Common Council of the City (the “Council”) now desires to approve the enlargement of the boundaries of the respective Economic Development Areas and the determination that each of the Economic Development Areas, as enlarged, is an “economic development area” under Section 41 of the Act;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Carmel, Indiana, as follows:

1. Pursuant to Section 41 of the Act, the Council hereby approves the determination that each of the Economic Development Areas, as enlarged by the respective Redevelopment Commission Resolutions, is an “economic development area,” and approves the enlargement of the boundaries of the respective Economic Development Areas as provided in the Redevelopment Commission Resolutions.

2. This Resolution shall be in full force and effect from and after its passage by the Council and approval by the Mayor as required by law.

37           **PASSED** by the Common Council of the City of Carmel, this \_\_\_\_ day of  
38 \_\_\_\_\_, 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

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**COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA**

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Joseph C. Griffiths

\_\_\_\_\_  
Richard L. Sharp, President Pro Tempore

\_\_\_\_\_  
Kevin Kirby

\_\_\_\_\_  
Ronald E. Carter

\_\_\_\_\_  
Brian D. Mayo

\_\_\_\_\_  
Fred J. Glaser

\_\_\_\_\_  
Mark Rattermann

41

**ATTEST:**

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

42           Presented by me to the Mayor of the City of Carmel this \_\_\_\_ day of  
43 \_\_\_\_\_, 2006, at \_\_\_\_\_.M.

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\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

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47           Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of  
48 \_\_\_\_\_, 2006, at \_\_\_\_\_.M.

\_\_\_\_\_  
James Brainard, Mayor

**ATTEST:**

\_\_\_\_\_  
Diana L. Cordray, IAMC, Clerk-Treasurer

49   Prepared by: Bruce D. Donaldson  
50               Barnes & Thornburg LLP  
51               11 South Meridian Street  
52               Indianapolis, IN 46204

53   INDS01 BBINGHAM 819119v2

**RESOLUTION CC-02-06-06-02**  
**(Formerly CC-01-23-06-02)**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF CARMEL,**  
**INDIANA, AMENDING THE CONTRACT WITH THE CARMEL PROFESSIONAL**  
**FIREFIGHTERS ASSOCIATION**

**WHEREAS**, pursuant to Indiana law, the City of Carmel, Indiana (“City”) has established a contractual relationship with Carmel Professional Firefighters Association (“Association”), pertaining to issues involving the hours, working conditions and certain other benefits of members of the Carmel Fire Department; and

**WHEREAS**, the City and the Association now wish to revise their contractual relationship; and

**WHEREAS**, the agreement attached hereto as Exhibit A, (THE “Agreement”) sets forth the new contractual relationship between the City and the Association; and

**WHEREAS**, upon the proper execution of the Agreement by the Carmel Board of Public Works and Safety, the Common council desires to accept and adopt the Agreement as an enforceable contract and obligation of the City.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Carmel, Indiana, that:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. The Common council hereby encourages the Board of Public Works and Safety to approve and execute the Agreement at its earliest convenience.

Section 3. As of the date on which the Agreement is properly executed by the Board of Public Works and Safety in its present form, the Common Council hereby accepts and adopts the Agreement as an enforceable contractual obligation of the City.

**SO RESOLVED** by the Common Council of the City of Carmel, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

Presiding Officer	Joseph C. Griffiths
Richard L. Sharp, President Pro Tempore	Kevin Kirby
Ronald E. Carter	Brian D. Mayo
J Fredrick J. Glaser	Mark Rattermann

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_ day of  
\_\_\_\_ 2006, at \_\_\_\_\_.M.

Diana L. Cordray, IAMC, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of  
\_\_\_\_ 2006, at \_\_\_\_\_.M.

James Brainard, Mayor

ATTEST:

Diana L. Cordray, IAMC, Clerk-Treasurer

Prepared by: Clerk-Treasurer's Office/Orbie Bowels, President, Carmel Professional  
Firefighters Local #4444